

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 17, 1997

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Dale Brentnall	Isaac Walton Leppa	Des Moines
JANE McALLISTER	ATLERS LAW FIRM	DSM
Debra Schudack	Brown Winick Law Firm	DSM
Joe Robertson	Marshall County Landfill	Marshalltown Ia.
PETE Duffy	S.C.I.S.W.A.	Tracy
MARK FRIEDOW	Spun box Co/ETA	Jefferson
Kathleen Madair	Lee Newspapers	PSM
Dale Plann	Iowa Farm Bureau	WDM
Rich Kelley	UHL	DM
BETH SHOUTS	MWA	DM
Tom Hadden	MWA	DM
Mick Klemesrud	IE	DM
Timothy Hall	Foti: Van Dyke	DM
Perry Beena	DM Register	DM
Ken Tuck	Iowa Farm Today	Ashley
JERRY FOGLE	BEATTY IN RECHER	WATERLOO
DUB Kozel	Leg. Fiscal Bureau	DM
Lindsey Larson	Iowa Farm Bureau	Jefferson

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 17, 1997

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Aaron Heley Lehman	Iowa Farmers Union	Ames, IA
Jo Hudson	Sierra	Des Moines
Elizabeth Henderson	DED	DSM
Linda King	"	"
KATHLEEN MOENCH	DNR	
CHRIS GAULT	Farm Bureau	WDSM
Norm M. Miletich	Iowa Dairy Prod. Assn	111 NW 9th St
David Wantland	GROWMARK	Anthony
Hal Morton	Des Moines Co Regl Solid Waste Comm	50821 Bloomington, IL Burlington
Kevin Blood	Dairy Farmer	State Center, IA
Jane Clark	DM Audubon	D
Regina Thiry		
Don Etler	Kuehl & Payer	Waterloo
RALPH CHRISTIANSEN	JOE HOUTAS COUNTY	Algona
Rep Norman Mundie	SUPERVISOR	FONDA
ROD Boshart	House Dist 14	Fort Dodge
	CR 63th	

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 17, 1997

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Dawn Goodrich	Des Moines Water Works	DM, IA
Mark Landa	Sullivan & Ward	DM
Betty Scharnberg		DM
Michael Moley	Snow How Firm	D.M.
Mike Earl	ABJC	DSM
Nancy Boyl	Brown Winick Law Firm	DSM
Ron Tracey	Trace, Inc.	St. August
Gary Schel	Tran, Inc.	St. August

RECORD COPY Nov. 1997
File Name: ADM-1-1-1 EPC Meeting

Agenda

Environmental Protection Commission

November 17, 1997
10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation
Appointment: Ron Trace (Item #12A) ——— 10:30 A.M.
OTC Contested Case (Item #11) ——— 2:00 p.m.
1:00 p.m.

Agenda topics

- | | | |
|-----|--|----------------------------|
| 1. | Approve Agenda | |
| 2. | Approve Minutes of October 20, 1997 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. | 1997 Budget Summary | Stan Kuhn (Information) |
| 6. | Regional Collection Center Establishment Grant Contracts | Sherry Timmins (Decision) |
| 7. | Monthly Reports | Allan Stokes (Information) |
| 8. | Proposed Rule--Chapters 102 & 103, Solid Waste | Allan Stokes (Information) |
| 9. | Proposed Rule--Chapters 20, 22, 23, 24, 25, 28, 29, & 31, Air Quality Rules Update | Allan Stokes (Information) |
| 10. | Final Rule--Chapter 65, Animal Feeding Operations | Allan Stokes (Decision) |
| 11. | Contested Case Appeal--Organic Technologies Corporation (TABLED) | Allan Stokes (Decision) |
| 12. | Referrals to the Attorney General | Allan Stokes (Decision) |
| | a) Trace, Inc. (Howard County) | |
| | b) A.J. DeCoster (Hamilton County) | |
| | c) Mike Buringrud, Carpenter Bar & Grill (Carpenter) | |
| | d) City of Anisworth | |
| | e) Meadow Knolls Road Association (Marion) | |
| 13. | 1998 Legislation Package | Don Paulin (Decision) |
| 14. | General Discussion | |
| 15. | Address Items for Next Meeting | |

Delay until December

Next Meeting Dates
December 15, 1997
January 20, 1998 (Tuesday)
February 16, 1998

RECORD COPY EPC Minutes
File Name ADM-1-1-1 Nov. 1997
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 17, 1997

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA



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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, November 17, 1997, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

- William Ehm, Chair
- Randal Giannetto (arrived 1:10 p.m.)
- Rozanne King
- Dean McWilliams
- Charlotte Mohr, Secretary
- Kathryn Murphy
- Gary Priebe
- Terrance Townsend, Vice-Chair
- Rita Venner

MEMBERS ABSENT

Director Wilson noted that Randal Giannetto called and said he has a court case this morning and will be here following court.

ADOPTION OF AGENDA

- The following adjustments were made to the agenda:
- Add: Appointment - OTC Contested Case (Item#11) 1:00 p.m.
 - Add: Appointment - Ron Trace (Item #12a - Trace, Inc. referral) 2:00 p.m.
 - Delete: A.J. DeCoster Referral (Item #12b) - Director Wilson recommended delaying this item until December, per a request from counsel to allow for preparation in the case.

Motion was made by Rita Venner to approve the agenda as amended. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of October 20, 1997, as presented. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, reviewed that several months ago the Commission met in Newton and toured the Maytag plant, at which time they saw a new energy saving type of equipment being produced there. He related that at a recent awards ceremony a number of energy conservation awards were presented and Maytag was the recipient of one of those awards. He introduced Roya Stanley, Bureau Chief, Energy Bureau to discuss the awards program.

Roya Stanley - Energy Awards Report

Roya Stanley stated that the Energy Bureau and the Commission share a common interest with regard to pollution prevention. She pointed out that there are new lights throughout the Wallace Building which were due to an energy efficiency project which will save significant energy for the state complex. She expanded on the energy efficiency program and also discussed renewable energy. Ms. Stanley stated that each year the Energy Division presents Energy Leadership Awards to honor the successes in Iowa. She gave a slide presentation giving an overview of the awardees this year. She related that Maytag Company received the award for their Neptune system and elaborated on the amount of water and energy savings realized in a community test project. Other recipients of this year's awards were Waverly Light & Power, DPO Construction, Atlantic Community Schools System, and Glenwood State Hospital School.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the monthly division level expenditure status report as of 10/31/97.

DIRECTOR'S OFFICE/I&E BUREAU					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	977,916	1,152,243	345,673	328,631	19,042
PERS TRV IN	32,561	45,100	11,275	10,926	349
STATE VEHICL	3,897	7,791	2,571	1,790	781
VEHICLE LEASE	8,220	7,640	2,521	2,780	(239)
PERS TRV OUT	11,376	8,306	2,077	1,623	454
OFF SUPPLY	75,247	102,300	25,575	23,144	2,431
FAC MAINT SU	3,197	2,000	500	3,381	(2,881)
EQUIP MAINT	3,638	5,850	1,463	1,648	(186)
OTHER SUPPLY	73,896	85,290	21,323	11,499	9,824
PRINT & BIND	293,328	361,044	90,261	67,721	22,540
UNIFORMS	1,442	2,150	538	56	482
COMMUNICATIO	26,777	31,000	7,750	9,148	(1,398)
RENTALS	4,470	4,100	1,025	2,946	(1,921)
UTILITIES	229	750	188	44	144
PROF SERV	33,296	36,651	9,163	6,505	2,658
OUTSIDE SERV	73,860	96,569	24,142	20,845	3,297
ADVER PUB	0	3,000	750	0	750
DP-MAINFRAME	4746	10,850	2,713	312	2,401
REIMBURSMENT	796	525	131	117	14
EQUIPMENT>\$500	39,413	48,600	16,038	37,301	(21,263)
EQUIPMENT<\$500	3,374	4,467	1,474	5,185	(3,711)
OTHER	551	3,150	788	0	131
LICENSES	0	0	0	0	0
	1,672,230	2,019,376	567,936	533,562	33,698

ADMINISTRATIVE SERVICES DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	3,579,613	4,009,957	1,202,987	1,184,840	18,147
PERS TRV IN	45,313	46,250	11,563	9,294	2,269
STATE VEHICL	56,831	56,100	18,513	24,822	(6,309)
VEHICLE LEASE	69,430	79,500	26,235	24,455	1,780
PERS TRV OUT	6,519	7,500	1,875	1,527	348
OFF SUPPLY	342,866	350,950	87,738	46,612	41,126
FAC MAINT SU	1,150	5,500	1,375	0	1,375
EQUIP-MAINT	48,882	52,000	13,000	12,432	568
OTHER SUPPLY	8,202	10,100	2,525	798	1,727
PRINT & BIND	23,443	29,200	7,300	6,981	319
UNIFORMS	3,621	4,000	1,000	144	856
COMMUNICATIO	108,652	111,750	27,938	28,469	(532)
RENTALS	1,008	500	125	0	125
PROF SERV	52,227	25,000	6,250	875	5,375
OUTSIDE SERV	81,237	103,800	25,950	42,986	(17,036)
ADVER PUB	528	500	125	55	70
DP-MAINFRAME	44,724	66,500	16,625	28,534	(11,909)
AUDITOR REIM	171,789	190,000	62,700	0	62,700
REIMBURSMENT	156,555	151,250	37,813	97,707	(59,895)
EQUIPMENT>\$500	207,600	178,000	58,740	15,517	43,223
EQUIPMENT<\$500	11,726	9,900	3,267	4,276	(1,009)
OTHER EXP	7,770	174,358	43,590	52	43,538
LICENSES	0	0	0	0	0
	5,029,686	5,682,615	1,657,232	1,530,376	126,856

PARKS, PRESERVES AND RECREATION DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	4,503,676	4,906,879	1,472,064	1,494,404	(22,340)
SEASONAL WORKERS	1,361,773	1,401,043	854,636	830,311	24,325
PERS TRV IN	74,702	71,100	17,775	16,011	1,764
STATE VEHICL	193,493	201,200	66,396	101,940	(35,544)
VEHICLE LEASE	249,875	270,000	89,100	89,344	(244)
PERS TRV OUT	4,946	6,700	1,675	1,638	37
OFF SUPPLY	43,613	43,000	10,750	13,836	(3,086)
FAC MAINT SU	567,527	541,788	216,715	246,025	(29,310)
EQUIP MAINT	387,569	300,000	120,000	145,782	(25,782)
AG CONS SUPP	27,273	29,166	11,666	9,603	2,063
OTHER SUPPLY	45,807	38,388	15,355	21,171	(5,816)
PRINT & BIND	65,367	27,500	6,875	17,554	(10,679)
UNIFORMS	37,039	36,577	9,144	4,056	5,088
COMMUNICATIO	100,186	119,000	29,750	36,465	(6,715)
RENTALS	41,037	100,550	40,220	39,364	856
UTILITIES	474,948	469,300	187,720	166,770	20,950
PROF SERV	53,409	80,037	20,009	6,267	13,742
OUTSIDE SERV	228,748	202,500	81,000	115,645	(34,645)
ADVER PUB	1,963	1,050	263	359	(97)
DP-MAINFRAME	2,140	5,000	1,250	313	937
REIMBURSMENT	10,573	7,375	1,844	196	1,648
EQUIPMENT>\$500	226,828	305,791	100,911	82,444	18,467
EQUIPMENT<\$500	16,399	800	264	8,794	(8,530)
OTHER EXP	451	30,700	7,675	-111	7,786
LICENSES	1,145	697	174	750	(576)
	8,720,487	9,196,141	3,363,232	3,448,931	(85,699)

FORESTS AND FORESTRY DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	1,802,802	1,966,557	589,967	570,375	19,592
SEASONAL WORKERS	87,467	125,866	40,277	19,503	20,774
PERS TRV IN	41,920	44,400	11,100	14,434	(3,334)
STATE VEHICL	66,912	75,300	24,849	22,223	2,626
VEHICLE LEASE	118,585	139,500	46,035	38,340	7,695
PERS TRV OUT	5,167	9,300	2,325	4,147	(1,822)
OFF SUPPLY	28,586	25,000	6,250	7,170	(920)
FAC MAINT SU	38,353	36,300	9,075	9,640	(565)
EQUIP MAINT	56,723	58,200	14,550	20,845	(6,295)
AG CONS SUPP	78,354	78,000	19,500	26,358	(6,858)
OTHER SUPPLY	21,652	21,800	5,450	5,016	434
PRINT & BIND	13,751	16,800	4,200	5,331	(1,131)
UNIFORMS	11,716	13,100	3,275	2,093	1,182
COMMUNICATIO	48,783	48,400	12,100	12,661	(561)
RENTALS	39,879	43,900	10,975	7,168	3,807
UTILITIES	32,136	31,200	7,800	6,971	829
PROF SERV	14,291	2,000	500	343	157
OUTSIDE SERV	72,324	60,200	15,050	14,259	791
ADVER PUB	289	500	125	0	125
DP-MAINFRAME	1,248	1,500	375	183	192
REIMBURSMENT	1,018	300	75	0	75
EQUIPMENT>\$500	39,392	61,474	20,286	23,934	(3,648)
EQUIPMENT<\$500	1,192	9,900	3,267	0	3,267
OTHER EXP	42	0	0	150	(150)
	2,622,582	2,869,497	847,407	811,144	36,263

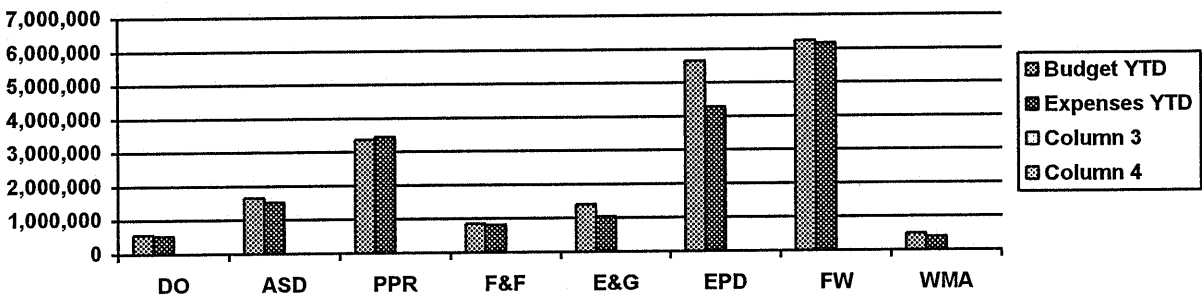
ENERGY & GEOLOGICAL RESOURCES DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	2,327,252	2,721,927	816,578	740,953	75,625
PERS TRV IN	23,275	41,687	10,422	5,674	4,748
STATE VEHICL	12,539	16,400	5,412	5,292	120
VEHICLE LEASE	12,230	12,000	3,960	3,100	860
PERS TRV OUT	42,029	64,540	16,135	15,669	466
OFF SUPPLY	30,319	42,507	10,627	10,779	(152)
FAC MAINT SU	623	1,700	425	0	425
EQUIP MAINT	1,837	700	175	169	6
PROF SUPPLY	1,465	300	75	174	(99)
OTHER SUPPLY	27,167	56,703	14,176	6,469	7,707
PRINT & BIND	36,466	70,734	17,684	3,411	14,273
UNIFORMS	964	700	175	0	175
COMMUNICATIO	40,490	43,000	10,750	9,235	1,515
RENTALS	2,112	6,500	1,625	940	685
UTILITIES	20,858	21,000	5,250	3,446	1,804
PROF SERV	943,476	1,476,923	369,231	168,344	200,887
OUTSIDE SERV	79,584	323,667	80,917	44,914	36,003
ADVER PUB	933	3,900	975	156	819
OUT REPAIRS	14	0	0	0	0
DP-MAINFRAME	5,661	8,900	2,225	688	1,537
REIMBURSMENT	10,714	8,820	2,205	0	2,205
EQUIPMENT>\$500	160,016	126,353	41,696	14,850	26,846
EQUIPMENT<\$500	11,517	13,530	4,465	2,787	1,678
OTHER	4,843	4,900	1,225	0	1,225
	3,796,384	5,067,391	1,416,407	1,037,050	379,357

ENVIRONMENTAL PROTECTION DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	8,780,016	11,551,914	3,465,574	3,167,553	288,021
PERS TRV IN	56,539	168,243	42,061	15,980	26,081
STATE VEHICL	39,981	71,900	23,727	21,345	2,382
VEHICLE LEASE	57,410	117,700	38,841	32,420	6,421
PERS TRV OUT	93,266	199,535	49,884	33,100	16,784
OFF SUPPLY	119,597	168,161	42,040	18,108	23,932
FAC MAINT SU	5,328	4,541	1,135	582	553
EQUIP MAINT	21,496	48,949	12,237	15,061	(2,824)
PROF SUPPLY	0	1,250	313	0	313
OTHER SUPPLY	14,901	46,904	11,726	3,457	8,269
PRINT & BIND	89,826	115,700	28,925	15,543	13,382
UNIFORMS	5,595	11,050	2,763	648	2,115
COMMUNICATIO	198,490	303,721	75,930	62,224	13,706
RENTALS	117,346	320,800	80,200	100,750	(20,550)
UTILITIES	23,352	34,377	8,594	6,291	2,303
PROF SERV	3,944,014	5,032,511	1,258,128	478,434	779,694
OUTSIDE SERV	79,547	277,469	69,367	147,325	(77,958)
ADVER PUB	8,310	14,500	3,625	1,924	1,701
DP-MAINFRAME	170,417	195,417	48,854	19,684	29,170
REIMBURSEMENT	57,442	89,575	22,394	10,770	11,624
EQUIPMENT>\$500	1,759,294	1,009,113	333,007	113,837	219,170
EQUIPMENT<\$500	43,927	98,085	32,368	10,145	22,223
OTHER EXP	19,599	27,400	6,850	25	6,825
	15,705,693	19,908,815	5,658,543	4,275,206	1,383,337

FISH AND WILDLIFE DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	12,402,330	13,827,542	4,148,263	4,128,066	20,197
SEASONAL WORKERS	805,914	863,907	406,036	381,863	24,173
PERS TRV IN	354,379	393,315	98,329	108,171	(9,842)
STATE VEHICL	506,847	620,647	204,814	189,995	14,819
VEHICLE LEASE	707,360	765,390	252,579	224,110	28,469
PERS TRV OUT	37,960	59,900	14,975	18,236	(3,261)
OFF SUPPLY	266,544	292,198	73,050	57,282	15,768
FAC MAINT SU	336,492	414,239	103,560	114,668	(11,108)
EQUIP MAINT	482,763	390,528	97,632	178,133	(80,501)
PROF SUPPLY	0	10,000	2,500	0	2,500
AG CONS SUPP	319,921	399,958	99,990	103,589	(3,600)
OTHER SUPPLY	193,298	158,787	39,697	41,925	(2,228)
PRINT & BIND	338,250	290,814	72,704	76,166	(3,463)
UNIFORMS	136,380	139,775	34,944	20,678	14,266
COMMUNICATIO	296,478	312,552	78,138	87,520	(9,382)
RENTALS	59,319	59,085	14,771	18,042	(3,271)
UTILITIES	234,885	244,061	61,015	59,314	1,701
PROF SERV	361,161	402,666	100,667	137,878	(37,212)
OUTSIDE SERV	175,623	178,905	44,726	46,140	(1,414)
ADVER PUB	4,349	23,600	5,900	2,436	3,464
DP-MAINFRAME	86,521	86,000	21,500	9,097	12,403
REIMBURSEMENT	82,648	120,751	30,188	0	30,188
EQUIPMENT>\$500	696,546	596,075	196,705	143,736	52,969
EQUIPMENT<\$500	76,387	66,981	22,104	21,898	206
OTHER EXP	40,817	43,753	10,938	1,277	9,661
LICENSES	217	300	75	0	75
	19,003,389	20,761,729	6,235,796	6,170,220	65,576

WASTE MANAGEMENT ASSISTANCE DIVISION					
EXPENSE CATEGORY	Actual FY97	Budget FY98	YTD Budget 10/31/97	YTD Actual 10/31/97	Under (Over)
PERS SERV	772,841	953,464	286,039	266,271	19,768
PERS TRV IN	28,797	59,059	14,765	8,287	6,478
PERS TRV OUT	20,579	32,772	8,193	3,957	4,236
OFF SUPPLY	13,475	50,532	12,633	5,471	7,162
EQUIP MAINT	1,192	915	229	295	(66)
OTHER SUPPLY	34,090	12,796	3,199	5,309	(2,110)
PRINT & BIND	43,742	76,160	19,040	11,986	7,054
COMMUNICATIO	15,567	18,500	4,625	2616	2,009
RENTALS	776	3,975	994	544	450
PROF SERV	62,065	510,108	127,527	62750	64,777
OUTSIDE SERV	8,855	12,427	3,107	1604	1,503
ADVER PUB	8,101	2,020	505	1163	(658)
DP-MAINFRAME	2,737	4,900	1,225	391	834
REIMBURSEMENT	33,075	18,900	4,725	901	3,824
EQUIPMENT>\$500	34,166	14,049	4,636	26093	(21,457)
EQUIPMENT<\$500	1,136	4450	1,469	0	1,469
OTHER	5,656	6,200	1,550	0	1,550
	1,086,850	1,781,227	494,460	397,638	96,822

DNR Division Level Expenditure Status
October 31, 1997



Mr. Kuhn presented the monthly status reports for each division.

Brief discussion followed.

INFORMATIONAL ONLY

1997 BUDGET SUMMARY

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

This report provides the Environmental Protection Commission, the Natural Resource Commission, and DNR management an overview of the results of FY97 operations as compared to the FY97 budget and related issues. An operational summary, including staffing, is presented by division.

Similar to the monthly commission presentations, actual expenditures for each division by expenditure budget category are compared to the FY97 budget. The percentage FY97 expenditures were more or less than the FY97 budget is shown. For comparison purposes, FY96 actual expenditures and FY98 budgeted expenditures are included. The same information is shown by cost center and sub-totaled at the bureau level.

This information facilitates examination of agency management compliance with authorized appropriations and expenditure budgets at the division, bureau and cost center levels. Deviation from budget does not, by itself, indicate a positive or negative occurrence.

The DNR completed FY97 within the appropriation limits at the agency level. Inter-division General fund transfers were required from the Administrative Support (\$220,000) and Parks (\$23,000) appropriations to the Forestry, Energy & Geology, and Environmental Protection divisions. The reporting period for Parks receipts was changed from 6/15 to 6/30 which had the effect of including an additional \$209,000 of receipts in FY97 instead of FY98. From the total General fund operations appropriations of \$12,928,185, the agency reverted \$11,074. At the agency level, staffing was 39 FTE less than the authorized level of 999.12 FTE.

Additional explanatory notes and comments are included with each division. Summary information is included for special programs; REAP, Groundwater, and other funds.

(A copy of the complete budget summary is on file in the department's Records Center)

Mr. Kuhn stated that this is basically a management report on happenings in the budget over the last fiscal year. He related that the report explains how the agency stayed within budget for the entire year. He noted that it tells what the department spent but does not tell what was actually accomplished last year and that is what the Budgeting for Results process will show in the future.

Brief discussion followed regarding future reports showing the output and accomplishments as well as expenditures, and the amount budgeted for EPD in regard to livestock permits.

INFORMATIONAL ONLY

REGIONAL COLLECTION CENTER ESTABLISHMENT GRANT CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

In FY 1997, proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) Establishment Grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and conditionally exempt small quantity generators (CESQG) are conducted prior to transportation of these wastes to a final disposal site.

After careful evaluation, the Metro Waste Authority (MWA) and Southeast Iowa Multi-County Solid Waste Agency (SEMCO) proposals were given preliminary approval for RCC establishment grants pending submittal of their solid waste permitting information. Solid waste permits for both proposals were recently approved by the Department.

MWA has requested a grant of \$ 360,000, to be used over a period of three years, to assist in the establishment of a mobile collection unit to collect wastes from and educate the residents of Boone, Dallas, Green, Jasper, Lucas, Madison, Marion, Marshall, Monroe, Poweshiek, Story and Warren Counties. These counties represent an additional population of approximately 317,310 people and six comprehensive planning areas that will be served by the MWA RCC. The RCC mobile collection unit will spend a minimum of two weeks per year in each of the listed counties. Wastes that will be collected from the listed counties will be brought back to MWA's RCC collection building, in Bondurant, for further processing - reuse or proper disposal.

SEMCO has requested a grant of \$ 58,750 to assist in the establishment of a permanent collection building and a waste exchange building to serve as a RCC and educate the residents of Jefferson, Keokuk and Washington counties. These counties represent a combined population of approximately 47,546 people.

A Scope of Work, Milestones and Budget for each contract is attached. Approval is requested for the Department to enter into a contract with Metro Waste Authority and Southeast Iowa Multi-County Solid Waste Agency.

(A copy of the Scope of Work and Budget for each project is on file in the department's Records Center)

Mr. Kuhn explained details of both contracts.

Discussion followed regarding the mobile collection unit to be used by MWA; whether there will be sufficient storage area in the counties; the duplication of training efforts; 50% reduction goal by the year 2000.

Beth Shontz, MWA, gave a detailed explanation of the project noting that the material will be brought directly to the truck and will be lab packed or bulked on the trailer, at each site. The truck will then take it to the Bondurant facility to be further processed and shipped out.

Motion was made by Charlotte Mohr to approve the RCC Establishment Grant Contracts with MWA and SE Iowa Multi-County Solid Waste Agency as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Representative Norman Mundie (animal confinement rules)

Norman Mundie, State Representative for Webster, Calhoun, Hamilton and Boone counties, addressed the Commission stating that he represents a rural community, which is very concerned about hog issues. He related that he supports the DNR proposed rules changes on HF 519, adding that it is not a wise thing to place lagoons below the water table. He added that he also supports the rule changes in the proposed 1998 Legislation Package with the exception of the one pertaining to spreading manure on frozen ground. He related that there needs to be some flexibility there. Also, in spreading on snow covered ground there is high risk but there may be a few exceptions that need to be permitted. Representative Mundie noted that incorporating material into the ground is the best choice and should be a goal to look at in the future. He expressed concern with the 1,330 head permit level, as a facility could be built right against the property line of a resident, church, recreation area, etc. He stated that he also supports the change to lengthen the 14-day response period, on permit applications, for county supervisors.

Aaron Heley Lehman (animal confinement rules)

Aaron Heley Lehman, Iowa Farmers Union, stated that he feels there is great potential for some positive changes to come out of the Chapter 65 rules but they are not as stringent as they would like to see. He related that the two major issues of contention in allowing lagoons to be built below groundwater level and allowing the artificial lowering of groundwater with mechanical means could put those positive changes in jeopardy. He added that the Iowa Farmers Union feel strongly that the Commission should accept the DNR proposal. Mr. Heley Lehman related that if the Commission accepts the DNR proposal on those two standards it is taking steps in the right direction, but if that proposal is not taken the whole set of rules might be taking a step backward. He noted that the DNR proposal is not a new set of tighter rules on those two issues, adding that they are currently in the books; it would merely be fine tuning. He added that the AACO proposal is a very significant weakening of current rules.

Joe Robertson (solid waste rules)

Joe Robertson, Marshall County Solid Waste Management Commission, spoke in regard to proposed changes in the solid waste rules. He asked the Commission to use caution and look very closely at any changes in the solid waste rules. He displayed a copy of his facility's most recent permit, a 12 page document, and noted it is about half of the site documentation that they develop at their site to show that they are using the most current technologies to do everything possible to protect the environment from the materials being buried there. Mr. Robertson asked the Commission to consider that when making changes in the rules, specifically when considering changes which might allow unpermitted facilities. He related that one of the toughest challenges faced on a local level is insuring that all the material that needs to be looked after does come to the facility. He added that if the door is opened to unpermitted facilities it will make solid waste operators jobs more difficult to insure that the material is coming to a facility where it can be monitored and where all proper design considerations are taken before disposal.

Tim Hall (solid waste rules)

Tim Hall, representing ISOSWO, stated that ISOSWO has been working with the department to develop rules to address construction and demolition debris, and agree with the concept of modified rules for dealing with certain specific waste materials, such as demolition waste. He related they have some serious reservations about a provision in the proposed rules which allows cities and counties to establish sites for disposal of demolition waste without a permit. Mr. Hall stated that for the past 20 years the state has been moving forward in getting the old city dumps closed and in consolidating waste disposal into facilities that the expertise, capital, and experience to manage waste properly. He related that the proposed rules are a major step backwards. He asked the Commission to table the proposed rules so they can continue to work with the department on refining these issues.

Chris Gault (animal confinement rules)

Chris Gault, Iowa Farm Bureau, stated that the two main problems addressed by the AACO committee was to improve the construction of concrete structures and to improve the liner integrity of earthen structures, and they sought to reach scientific solutions to those problems. The solutions they developed do protect the environment but also make it possible for livestock producers to be able to cash flow their operation. She noted that several technical corrections were in their comments that were not included in the Responsiveness Summary and one was Item 5, dealing with earthen manure storage basins. She related that the technical term as defined is "earthen manure storage basin," and Item 5 actually struck the word "earthen" which would create a term in the rules that was not defined. She added that the term "earthen" should not be struck. She expressed concern on Item 12 with the department's proposal of mechanical means in that they do not have an allowance for drainage districts. Ms. Gault stated that if the Commission decides to go toward a non mechanical means some allowance needs to be made for a drainage district with lift stations. In reference to Item 15, dealing with erosion control and inspections, Iowa Farm Bureau proposes that the owner of the facility should correct any erosion problems which develop, and as currently worded may create a problem with enforcement. She expanded on inspections and possible enforcement problems. Ms. Gault said that in regard to hydrology there is a difference in philosophy on the role science and technology should play in addressing these problems between AACO and the department. She related that she does not disagree on the scientific principles behind AACO's proposals, adding that the difference is one in philosophy of how the science is to be used or not. She added that DNR's proposal is a difference from the current rule in that the definition of groundwater is very different from what it currently is in the rules. She related that if you change the definition of groundwater you change how the whole rule is interpreted, adding that the interpretation of perched groundwater will be a change with the new rule.

Kevin Blood (animal confinement rules)

Kevin Blood, dairy farmer from State Center, spoke about earthen basins relating that he has 500 cows and uses an earthen basin. He questioned whether the problem is with earthen basins or if it's noncompliance that is taking place. He stated that the technology and engineering of earthen

basins is sound, adding that city basins that are identically constructed have been used for years with success. He added that he could understand requiring additional monitoring or construction standards for added protection. He noted that it would not be economically feasible to go to any other kind of storage when surrounding states allow this, adding that Iowa farmers would be at a huge disadvantage.

Hal Morton (solid waste rules)

Hal Morton, Executive Director of the Des Moines County Regional Solid Waste Commission, stated that disposal of construction and demolition material is a very important component of the integrated comprehensive solid waste plans and the systems put in place across the state. He related that the proposal to step backwards on the requirements for managing demolition materials is poor way to head at this point in time. He noted that the permits for disposal facilities cover site design, operation and monitoring of the site, and in-screening of the waste, which are all very important issues for protecting the environment and assuring the public that those materials are handled in a professional manner. He related that the permit is a very good tool for holding facilities accountable on the type of materials they put in those sites, adding that stepping away from the permit requirement causes serious concerns for the groundwater in those areas. He urged the Commission to consider very carefully the rule changes when they come before them.

Regina Thiry (Washburn sewer project)

Regina Thiry, Waterloo, expressed concerns about the Washburn sewage lagoon and what it might do to a private recreational lake on her property. She reviewed that she had asked repeatedly for a copy of the wetland plans and was told there were none, and now, all of a sudden there are wetland plans. She related that the sewage lagoon will discharge 21,000,000 gallons of sewage effluent into Thiry Lake twice a year, once in the spring and once in the fall. She noted that the wetland has been designed to accept 13,000,000 gallons of the discharge. Mrs. Thiry asked how that will affect her property. She noted that last month she asked staff what the department's comments were on the wetland plans and was told there were no comments written by the DNR, but she would receive a copy of any comments that went out. She related that Friday night she learned that EPA has all of this information. She spoke of a letter on file from Black Hawk county asking for permission to make some changes to the actual lagoon site, adding that those changes have already been constructed. Mrs. Thiry expressed disappointment in how this is being handled and noted that it doesn't make sense to go forward without the DNR reviewing these things. She stated that she is asking the Commission's assistance in this matter to help her understand how this is going to affect her property. She spoke of a declaratory ruling stating that the lagoon is designed to store all wastes at least 180 days and she felt they were mislead. She related that if the lagoon discharges on April 1, some of the waste entering the lagoon April 2 will be discharged during that cycle, adding that the waste will not receive the treatment it needs if it is being discharged the next day.

Don Etler (DNR wetland mitigation policy)

Don Etler, Algona, stated that he is speaking for the Pocahontas County Board of Supervisors and Drainage District 176. He noted that the Board of Supervisors sent each Commissioner a letter concerning wetland mitigation for farmed wetland conversions and what the state mitigation policy might be under Section 401. He related that Drainage District 176 has received a \$1,000,000 appropriation from the legislature for the construction of drainage ditches and tile laterals to allow for the closure of 36 drainage wells. He noted that they have been working with the NRCS and COE with regard to what would be acceptable levels of mitigation for converting 56.6 acres of farmed wetland. Mr. Etler stated that the NRCS has a function and value assessment policy to allow less than one-to-one mitigation, and assurances were received from NRCS that they can mitigate with less than one-to-one. He related that the COE also expressed an understanding of the situation and that less than one-to-one mitigation can be accepted for mitigation of farmed wetland, especially when looking at cutting off 36 conduits to the groundwater. Mr. Etler stated that in receiving the COE permit, it is also necessary to receive 401 Certification for the DNR that the water quality standards will not be violated. He related that his concern is that the DNR is not clear on whether or not they can accept less than one-to-one mitigation, adding that he is asking the Commission to direct the staff to inform the Commission by next month if there is anything in the rules or policies that would not allow them to accept less than one-to-one mitigation.

Chairman Ehm asked what would be acceptable to the COE or NRCS.

Mr. Etler related that the COE has told the Board of Supervisors that perhaps half-to-one would be acceptable.

Rita Venner asked what Mr. Etler would consider ideal as far as the mitigation.

Mr. Etler replied that the ideal thing would be that the department is not bound to a no net loss of acres, adding there should be some sort of an assessment for replacing functions and values and whatever ration that would take would be reasonable. He related that if there is a problem they will have to petition for rulemaking or go to the legislature and ask them to clarify the situation.

Ralph Christiansen (DNR wetland mitigation policy)

Ralph Christiansen, Pocahontas County Supervisor, stated that there was a tragic thing happened when the 1985 farm bill was put together in regard to the wetland issue. He explained that this land which was drained in the early 1900's was named "farmed wetlands" and is ground that has been farmed every year for 70-90 years but it was a wetland at one time. He noted that this has been a voluntary project petitioned by the landowners and 36 ag drainage wells could be closed on a voluntary basis.

Dale Brentnall (animal confinement rules)

Dale Brentnall, Izaak Walton League, stated that the League has been involved in the hog confinement situation and proliferation of those establishments and has been at this for a number of years. He noted that if they are going to sustain the agriculture community in the state you need to look at the entire range of the agriculture industry. He said in 1995 the League requested that the current research in health, sociology, finance, soil, water, energy, natural resources, and hydrology must surface to be acknowledged and addressed concerning agriculture before real progress can take place in the state of Iowa. Mr. Brentnall stated that the DNR proposed rules are acceptable, adding that the League has a strong concern about lagoons being below ground and the artificial lowering of the groundwater table. He spoke about the related costs for management, oversight and monitoring. Mr. Brentnall discussed economic reform if hog production and agriculture enterprise is sustained in Iowa. He read the League's resolution on economic formula for sustainability urging all levels of government to promote the following economic reforms that would: 1) Reflect the true and full costs of forms of natural resource extraction, transportation, processing, consumption or waste that harm society or disrupt environmental quality without placing a disproportionate burden on lower-income individuals and families; 2) Eliminate government subsidies for economic activities that distort economic efficiency or damage the environment and enhance subsidies for economic activities that promote conservation; 3) Develop and implement methodologies and data to measure economic indicators that reflect the complex interactions among the economy, society, environment and the natural resource base, including natural resource depletion and environmental degradation; 4) Provide formal, informal and non-formal education for people of all ages about the stewardship of personal resources, emphasizing the importance of savings and investment in economic activities that support sustainability; and 5) Encourage broad participation in sustainability practices.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

- 1. Rulemaking Status Report
- 2. Variance Report
- 3. Hazardous Substance/Emergency Response Report
- 4. Enforcement Status Report
- 5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT
November 1, 1997

PROPOSAL	NOTICE	NOTICE	RULES	HEARING	FINAL	RULES	RULES	RULES	RULE
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	TO COMM	PUBLISH	REVIEW COMM		SUMMARY TO COMM	ADOPTED	PUBLISH	REVIEW COMM	EFFECTIVE
1. Ch. 20,22,23,24,25,28, 29 and 31 - Air Quality Rules	*12/15/97	*1/14/98	*2/3/98	*2/ /98	*3/16/98	*3/16/98	*4/15/98	*5/5/98	*5/13/98
2. Ch. 44 - Drinking Water Revolving Fund	8/18/97	9/10/97	10/07/97	10/7,13-17/97	*12/15/97	*12/15/97	*1/14/98	*2/03/98	*2/18/98
3. Ch. 49, 64 and 69 - Nonpublic Water Well Construction and Private Sewer System Construction Standards	10/20/97	11/19/97	*12/08/97	*12/9-11, 15 and 17/97	*1/19/98	*1/19/98	*2/11/98	*3/09/98	*3/18/98
4. Ch. 50, 51, and 52 - Agricultural Drainage Wells	8/18/97	9/10/97	10/07/97	10/7,8,10 /97	*12/15/97	*12/15/97	*1/14/98	*2/03/98	*2/18/98
5. Ch. 64 - General Permits -- Stormwater	6/16/97	7/16/97	8/19/97	8/07/97	10/20/97	10/20/97	11/19/97	*12/08/97	*12/24/97
6. Ch. 65 - Animal Feeding Operations	7/21/97	8/13/97	9/08/97	9/2-4,8,9,11/97	11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
7. Ch. 102 and 103 - Solid Waste	*12/15/97	*1/14/98	*2/03/98	*2/ /98	*3/16/98	*3/16/98	*4/15/98	*4/05/98	*5/13/98
8. Ch. 134 - Registration of Groundwater Professionals	10/20/97	11/19/97	*12/08/97	-----	*1/19/98	*1/19/98	*2/11/98	*3/09/98	*3/18/98

Monthly Variance Report - October 1997

No.	Facility	Program	Engineer	Subject	Decision	Date
1	ALCOA-Davenport	Air Quality		Permit Requirements	Approved	10/17/97
2	Blum Company-Dubuque	Air Quality		Permit Requirements	Approved	10/08/97
3	Cargill, Inc.-Hardin County	Air Quality	Thompson Environmental Consulting, Inc.	Permit Requirements	Approved	10/17/97
4	Holnam, Inc.-Mason City	Air Quality		Permit Requirements	Approved	10/27/97
5	Industrial Energy Applications-Marshalltown	Air Quality		Permit Requirements	Approved	10/22/97
6	Iowa National Guard-Waterloo	Air Quality		Permit Requirements	Approved	10/22/97
7	Vermeer Manufacturing Company-Pella	Air Quality		Permit Requirements	Approved	10/17/97
8	Vermeer Manufacturing Company-Pella	Air Quality		Permit Requirements	Denied	10/17/97
9	ADM Corn Processing-	Wastewater Construction	ADM Corn Processing	Site Separation	Approved	10/28/97

	Clinton					
10	Jefferson, City of	Wastewater Construction	French-Reneker-Associates	Minimum Sewer Size	Approved	10/07/97
11	Riverside Lutheran Bible Camp-Hamilton County	Flood Plain		Minimum Offset	Approved	10/09/97
12	Excel of Iowa-West Union	Wastewater Operation		Monitoring Frequency	Approved	10/27/97
13	Cutt'ys Okoboji Resort Club-Spirit Lake	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	10/02/97
14	Cylinder, City of	Watersupply Construction	MER Engineering, Inc.	Design Basis	Approved	10/02/97
15	Fairfield, City of	Watersupply Construction	French-Reneker-Associates	Construction Materials	Approved	10/13/97
16	Fairfield, City of	Watersupply Construction	French-Reneker-Associates	Installation Procedures	Approved	10/13/97

Monthly Spill Report - October 1997

From October 1, 1997, through October 31, 1997, 101 reports of hazardous conditions were received..
A summary is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.										
Dec.										
Jan.										
Feb.										
Mar.										
Apr.										
May										
Jun.										
Jul.										
Aug.										

Sept.										
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(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
9	14	7	5	20	15

ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Kingsley, City of	Wastewater	Compliance Schedule; Discharge Limits	Order	9/19/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Finishing Unit #3, Wright Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	10/3/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Finishing Unit #2, Wright Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	10/9/97
Iowa Realty Company, Inc., Easter lake Estates Site, Polk Co. (5)	Wastewater	Stormwater Permit	Order/Penalty \$6,000	10/14/97
Waukon, City of (1)	Wastewater	Compliance Schedule	Order	10/14/97
	Wastewater	Prohibited Discharge	Order	10/14/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Sow Unit #10, Hamilton Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	10/15/97
Dean Williams d/b/a Williams Oil Co., Stuart (4)	Underground Tank	Site Assessment	Referred to AG	10/20/97
Home Asbestos and Lead Abatement Services, Inc.; Robert G. Condon, West Des Moines (5)	Air Quality	Asbestos	Referred to AG	10/20/97

Daryl Larson, Clinton Co. (6)	Wastewater	Prohibited Discharge	Referred to AG	10/20/97
Humboldt County Conservation Board; Rutland Dam (2)	Flood Plain	Operation Contrary to Permit	Order	10/28/97
South Park Mobile Home Park, Iowa Falls (2)	Wastewater	Monitoring/Reporting	Order/Penalty \$1,000	10/28/97
White Oaks Homeowners Assoc., Ankeny (5)	Drinking Water	MCL-Other Inorganics; Monitoring-Other Inorganics; Public Notice	Order	10/28/97

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill	SW	5,000	7-05-95

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(Fremont Co.)				
David A. Dohlman d/b/a Dave's Conoco	UT	2,300	7-18-95	
(Dumont)				
M & L Service; Loyal Dorr; Mark	UT	1,000	8-30-95	
Courtney (Guthrie Center)				
Norman Klynsmas d/b/a OK One Stop	UT	2,000	9-01-95	
Service (Hospers)				
Carter Lake, City of	WS	200	10-25-95	
Meadow Knolls Addition (Marion)	WS	200	10-29-95	
Searsboro, City of	WW	2,500	11-08-95	
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95	
Elery Fry; Allen Fry; Becky Sandeen	SW	6,000	1-20-96	
(Monroe Co.)				
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96	
Cheryl Straughn d/b/a Cher's Mini Mart	UT	600	2-21-96	
(Chapin)				
Dennis Sharkey d/b/a Sharkey Bldg.	AQ	2,000	3-11-96	
Wrecking (Dubuque)				
C & C Ltd. d/b/a Country View MHP	WS	475	4-08-96	
(Denison)				
David Kramer (Camanche)	UT	600	5-03-96	
Latimer, City of	WS	150	5-03-96	
Ainsworth, City of	WS	150	5-03-96	
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96	
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96	
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96	
Plantation Village Mobile Home Park	WW	1,000	8-01-96	
(Burlington)				
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96	
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96	
Howard Victor and Wanda Victor (Des	UT	10,000	10-21-96	
Moines)				
Riverside Lutheran Bible Camp (Story	WS	500	10-28-96	
City)				
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96	
Gassman's MHP & Spruce Harbor Inn	WS	4,500	12-26-96	
(Dubuque)				
Mark Anderson d/b/a Westside Park for	AQ/SW	1,000	1-03-97	
Mobile Homes;				
M A, Inc. (Burlington)				
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97	
J.F.V. Corporation; Frank Hawk; Sharon	UT	600	2-19-97	
Hawk (Prole)				
Thurman, City of	WR	100	3-17-97	
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97	
Rodney, City of	WS	100	4-07-97	
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97	
Ronald Slocum; Tammy Lynn Determan	SW	10,000	5-24-97	
(Marshall Co.)				
Tom Ashland (Clear Lake)	UT	5,300	6-04-97	
*Vernon Kinsinger d/b/a K & K Sanitation	AQ/SW	9,530	6-05-97	
(Washington Co.)				
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97	
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97	

Sandra Gebhardt (Clayton Co.)	FP	2,000	9-28-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
Wareco System of Iowa (Coralville)	UT	200	10-24-97
*#Marlin Brenneman (Iowa Co.)	WW	1,000	11-01-97
Iowa Realty Co., Inc.; Easter Lake Estates (Polk Co.)	WW	6,000	12-22-97
*#John Adam (Keokuk Co.)	WW	5,000	3-15-98
Deer Ridge Estates (Ottumwa)	WS	100	-----
South Park Mobile Home Park (Iowa Falls)	WW	1,000	-----

TOTAL 143,088

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94

TOTAL 48,329

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600

Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000

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Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
#Rod Bice (Boone Co.)	WW	500

Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Carroll Etchen (Clear Lake)	UT	10,000
Kruger Seed Co. (Dike)	AQ	3,000
Al DeCarlo Demolition Co. (Des Moines)	AQ	5,000
Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste	SW	10,000
Comm.		
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
Walnut Grove Water Company (Davenport)	WS	2,500
Big Ten Mart/Truck Stop (Lowden)	WS	2,500
North Central Cooperative (Clarion)	WW/HC	2,000
# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500
	TOTAL	451,165

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	500
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	6,000
*#Marlin Brenneman (Iowa Co.)	WW	500
*Dan Peterson d/b/a Peterson Backhoe (Dumont) (PAID IN FULL)	AQ	500
*63-80 Cafe (Moore Oil Co.) (Malcom) (Collected through Dept. of Revenue)	WS	200
Valley Heights 1st Annex (Blue Grass)	WS	100
*First United Methodist Church (Ft. Madison) (PAID IN FULL)	AQ	500
*#John Adam (Keokuk Co.)	WW	2,500
*Orville Long (Polk Co.) (PAID IN FULL)	SW	300

TOTAL 11,600

ATTORNEY GENERAL REFERRALS
November 1, 1997

Name, Location and Region Number	Program	Alledged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Post Trial Briefs Ruling (\$59,000/Civil) Defendant 179(b) Motion Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 4/04/97 9/05/97 9/24/97
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J.	Waste-	Prohibited	Referred to	Referred	1/22/97

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Sow Unit #1 (2)	water	Discharge	Attorney General	Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Trial Date Defendant's Motion for Partial Summary Judgment State's Resistance Filed State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Defendant's Resistance to State's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial	4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 9/16/97 7/14/97 7/31/97 8/04/97 8/11/97 8/19/97 8/25/97 9/02/97 9/04/97 9/16/97 -- 9/18/97
DeCoster, Austin J. Sow Unit #1; Nursery Unit #7 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	6/20/97
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	8/18/97
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Ft. Madison (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 4/11/97
ESCORP Associates,					

Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred		9/16/96
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default		12/18/95 4/18/96 11/01/96
Home Asbestos & Lead Abatement Services; Robert G. Condon West Des Moines (5) NEW	Air Quality	Asbestos	Order/Penalty	Referred		10/20/97
Humiston, Fred d/b/a Cedar Trailer Park Letts (6)	River Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred		9/16/96
Huyser, James; Trucking Lovilia (5)	Trust Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed		11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. NEW	(6) Waste- water	Prohibited Discharge	Referred to Attorney General	Referred		10/20/97
Martinez, Vincent d/b/a Martinez Service Davenport (6)	Sewer Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)		2/17/92 12/21/92 10/11/94
McKernan, Brian Hickory Grove Mobile Home Park Roland (5)	d/b/a Waste- water	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred		1/22/97
Orrie's Supper Inc. Hudson (1)	Club, Drinking Water	Monitoring/R eporting; Lead & Copper	Order/Penalty	Referred		10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed		3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Food Waste- water	Prohibited Discharge	Referred Attorney General	to Referred		1/22/97

Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	5/20/96 7/09/97
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Undergrou nd Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/Penalty	Referred	5/21/97
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalti es	Referred	6/20/97
Stickle Farms, Inc. Linn Co. (1)	Wastewate r	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Undergrou nd Tank NEW	Site Assessment	Order/Penalty	Referred	10/20/97

CONTESTED CASES
November 1, 1997

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company for approval.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company for approval.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed. Field Office overseeing
6-20-90	Des Moines, City of	NPDES Permit	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD
7-02-90	Keokuk Savings Bank and Trust	Site Registry	HW	----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard	Site Registry	HW	----	Decision appealed (Fixler).

8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility by county..
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary	Admin.	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin.	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin.	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Finalizing
4-24-92	Charles A. Kerr	Admin.	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95. No response.
5-05-92	Plymouth Cooperative Oil Co.	Admin.	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial
6-23-92	Chickasaw County Board of	Admin.	SW	Kennedy	County to include closing in FY 1997 budget. Meeting held 8/7/97.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin.	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin.	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin.	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter
11-16-92	Frank Hulshizer	Admin.	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued. Schedule submitted by City for
4-21-93	Donald Udell	Admin.	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94.
7-20-93	Valley Restaurant/Sierp Oil; Mary &	Admin. Order	UT	Wornson	Settlement expected. SCR submitted. Revision required under
7-20-93	U.S. Dept. of Defense	Admin.	UT	Wornson	SCRs on the site and several others in Sioux City under review..
11-16-93	Iowa Southern Utilities	Permit	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V application.
12-23-93	Waverly Gravel & Ready-Mix aka	Admin.	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin.	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by
5-10-94	Dennis Malone; Joanne Malone	Admin.	UT	Wornson	Untimely appeal. Compliance 3/97. Negotiating penalty.
5-27-94	Joseph L. Ranker; Daryl	Admin.	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second
6-15-94	Lakeview Heights	Permit	WS	Hansen	Facility proposal under review by WS. DNR response to appeal -
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	Appeal withdrawn. Permit revoked. Closed..
7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter sent. Attny. filing for FUND
8-12-94	Karl and Thelma Boylan d/b/a	Admin.	UT	Wornson	Inability to pay. Failed to return required documentation. Letter sent
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free
9-01-94	Elmer R. Faust d/b/a Faust Garage &	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin.	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding closure 8/21/97.
9-15-94	Bankston	Admin.	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City
9-16-94	Wunschel Oil Co.; Vernus Wunschel;	Admin.	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue.
9-26-94	James D. Foust	Admin.	SW	Kennedy	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin.	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to
10-19-94	Ronald Sizemore; Mark Murphy	Admin.	UT	Wornson	Inability to pay documented. County took tax deed. Contact

10-31-94	Owens & Owens Realty, Inc.; Keith	Admin.	UT	Wornson	District Court for judicial review. Fund eligible. Compliance
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin.	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin.	UT	Wornson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept.
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin.	AQ/SW	Kennedy	Settlement offer made. FO rejected offer. Phone conversation
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No response. Follow-up - 3/96. 1/97 -
1-13-95	Simonsen Industries, Inc.	Admin.	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application
2-23-95	Lehigh Portland Cement	Permit	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status
2-27-95	Sale-R-Villa Construction	Admin.	AQ	Preziosi	Hearing set for 11/24/97.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 8/21/97 regarding closure. Phone
4-13-95	The Weitz Corp.; Barton Solvents	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap	Admin.	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin.	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266	Permit	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin.	AQ	Preziosi	Settled. Awaiting final penalty payment. Sent to AG for penalty
6-16-95	Pilot Oil Corporation	Admin.	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested
6-23-95	Leonard C. Page	Admin.	SW	Kennedy	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R	Admin.	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin.	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due
7-10-95	Donald Krieger	Admin.	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected. Review progress.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Awaiting EPC decision.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Compliance initiated.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin.	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin.	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated. Selected for innovative technology project.
8-24-95	Shell Rock Products, Inc.	Admin.	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin.	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be
10-17-95	Tri-County Bank	Admin.	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin.	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty
11-03-95	Jack Pinney Operations, Inc. aka Jack	Admin.	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger, K & K Sanitation	Admin.	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6. Receiving penalty
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin.	AQ	Preziosi	Hearing set for 11/25/97.
12-29-95	Spencer Memorial Hospital	Admin.	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Compliance initiated.
1-08-96	Westside Park for Mobile Homes	Admin.	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility
1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin.	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney
1-19-96	Bill Shirbroun d/b/a Was Broken	Admin.	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin.	UT	Wornson	Tanks removed.
1-25-96	Hidden Valley Mobile Home Park	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin.	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 8/30/97.

1-30-96	Dean Williams d/b/a Williams Oil	Admin.	UT	Wornson	Referred to EPC 10/20/97. EPC referred to Attorney General.
2-06-96	Russell Stagg	Admin.	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin.	UT	Wornson	Hearing held 11/7/96. Brief submitted. ALJ decision received - no
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspected by FO. Now in compliance.
3-11-96	Marlin Brenneman	Admin.	WW	Clark	Settlement letter sent 9/27/97. First installment due 10/1/97.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be set for
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin.	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin.	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin.	WW	Clark	Draft consent amendment sent for signature..
5-07-96	Lakeview Mobile Home Park	Admin.	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer
5-08-96	Vernmeer Mfg. Co. (96AQ06)	Admin.	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin.	UT	Wornson	Compliance initiated. CADR received/approved.
6-19-96	Appanoose Co. Sanitary Landfill	Permit	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste	Admin.	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin.	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery)	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma	Admin.	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a	Admin.	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota	Admin.	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin.	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin.	UT	Wornson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery	Permit	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin.	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barrov d/b/a	Admin.	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin.	UT	Wornson	New case. Tanks temporarily closed. Negotiating penalty.
11/07/96	Todd L. Salow	Admin.	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to	UT	Wornson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin.	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin.	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed.
12/05/96	Organic Technologies Corp. -----91-	Admin.	SW	Murphy	Proposed decision received 8/1/97; appealed.
1/02/97/	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/22/97	Rock Island District Corps of	401	WQ	Hansen	Hearing held 5/22-23/97. Briefs submitted to ALJ. 8/5/97 -
1/23/97	Rod Bice	Admin.	WW	Clark	Draft consent amendment sent 10/16/97.
1/28/97	Ralene Hawkins d/b/a R.J. Express	Admin.	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin.	UT	Wornson	Compliance initiated.

2/19/97	Cliff's Place, Inc.	Admin.	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin.	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin.	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin.	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit	AQ	Preziosi	Negotiating before filing..
5/07/97	Delaware County Landfill, Inc.	Admin.	SW	Kennedy	Negotiating before filing.
5/16/97	Carroll Etchen	Admin.	UT	Wornson	Negotiating before filing.
6/06/97	Al DeCarlo Demolition Co.	Admin.	AQ	Preziosi	Settled. Awaiting penalty payment.
6/06/97	Carroll's Foods of the Midwest	Const. Permit	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin.	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin.	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin.	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin.	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin.	AQ	Preziosi	New case.
7/31/97	Brittany Estates Addition	Admin.	WS	Hansen	To be set for hearing.
8/01/97	Dodger Enterprises Co., Tire Chop	Admin. Order	SW	Kennedy	Negotiating before filing.
8/05/97	Biovance Technologies	Admin.	AQ	Preziosi	Negotiating before filing.
8/08/97	Tire-Tech Environmental Systems	Admin.	SW/WW	Kennedy	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette	Admin.	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a	Admin.	WW	Murphy	Negotiating before filing.
9/10/97	Fred and Diane Miller	NPDES Permit	WW	Hansen	Hearing set for 12/1/97.
9/17/97	Keokuk Steel Castings	Admin.	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin.	WS	Hansen	New case. Under review by WS section.
10/6/97	North Central Cooperative	Admin.	HC/WW	Murphy	New case.
10/6/97	Big-Ten Mart/Truck Stop	Admin.	WS	Murphy	New case.
10/6/97	Holnam, Inc.	Permit	AQ	Preziosi	New case.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	New case. Informal meeting requested by City. To be scheduled for
10/17/97	Iowa Select Farms, L.P.	Admin.	WW	Clark	New case.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	New case.

Mr. Stokes reviewed the various monthly reports noting that the AG’s office has filed for an injunction against Midwest Pork to keep them from building additional facilities.

Discussion followed regarding ADM variances, and the three October violations for DeCoster.

Mr. Stokes noted that he provided the Commission with materials from the recent Client Contact Group meeting as well as a brochure entitled “Asbestos - What Businesses, Building Owners, Contractors and Others Need to Know about the Asbestos NESHAP.” He also informed the Commission that the first three Title V operating permits have been issued.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTERS 102 & 103, SOLID WASTE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided proposed rules for information only at this meeting. The Commission will be asked to approve a Notice of Intended Action to begin the formal rule adoption process at their December 1997 meeting. These rules propose to amend Chapter 103 by revising it to address design and operation requirements for four specific types of landfills: 103.2 Municipal Solid Waste Landfills (MSWLF), 103.3 Non-municipal Solid waste Landfills (NMSWLF), 103.4 Demolition Waste Disposal Sites, and 103.5 Coal Combustion Solid Waste Landfills. The investigation, design, operation, closure/post closure, and monitoring requirements are addressed in the rule for each landfill type.

Solid Waste Rule Amendments

These rules propose to amend Chapter 103 by revising it to address design and operation requirements for four specific types of landfills: 103.2 Municipal Solid Waste Landfills (MSWLF), 103.3 Non-municipal Solid waste Landfills (NMSWLF), 103.4 Demolition Waste Disposal Sites, and 103.5 Coal Combustion Solid Waste Landfills. The investigation, design, operation, closure/post closure, and monitoring requirements are addressed in the rule for each landfill type.

The requirements for MSWLFs has been reorganized and rewritten into rule 103.2. The intent was for the requirements to remain basically the same. There is one exception, a height restriction for MSWLFs landfills is being proposed.

The requirements for a NMSWLF has been reorganized into rule 103.3. This rule applies to disposal of all non-municipal solid waste such as industrial solid waste and construction and demolition waste except for coal combustion residue (CCR). A separate rule is proposed for CCR. Major changes include a reduction in the thickness of the clay liner, a reduction in groundwater investigation and monitoring requirements; elimination of gas monitoring requirements; and a reduction in the daily, intermediate, and final cover requirements,

Rule 103.4 is new and applies to the disposal of waste from the demolition of structures only. Following are some major differences compared to the NMSWLF requirements. Only a city, county or 28 E agencies may operate such a facility. The individual responsible for management of such a site must be a certified sanitary landfill operator. There is no hydrogeological investigation or groundwater monitoring requirement. There is no bottom liner or leachate collection requirement and the separation distance from groundwater is reduced. Site volume is limited to 50,000 cubic yards. Daily cover is not required and intermediate and final cover requirements are reduced. Closure and postclosure requirements are reduced.

Rule 103.5 is new and applies only to the disposal of coal combustion residue. Following are major differences compared to the NMSWLF requirements. There is no specific bottom liner or leachate collection requirement. The operating plan must be submitted to the appropriate field office and is not part of the construction permit application. Waste must be deposited in lifts of no more than six inches and wetted. Daily cover is not required if a cemented surface forms to control dusting. Closure and postclosure requirements are reduced.

Some permit requirements for landfills were deleted from Chapter 102 and inserted into Chapter 103. Chapter 108 is revised to make the prescribed management practices for the reuse of solid waste consistent. Some references in Chapter 110 need to be revised because of the change in the organization of Chapter 103.

Chapter 100

Amend 567--100 as follows:

567--100.2 Definitions

'Non Municipal Solid Waste Landfill' means a landfill permitted to accept a non hazardous solid waste or combination of wastes exclusive of municipal solid wastes.

"Sanitary Disposal Project" is defined in Iowa Code section 455B.301. means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

"Sanitary Landfill " means a method of disposing solid waste on land by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created. a sanitary disposal project where solid waste is buried between layers of earth. A sanitary landfill may be either a municipal solid waste landfill or a non municipal solid waste landfill.

567--100.3 Application forms and rules of practice.

~~100.3(1)b(2) A temporary pursuant to Iowa Code subsection 455B.307(1) form 44.542-1012.~~

Chapter 102

Amend 567--102 as follows:

567--102.2 Types of Permits.

There are four types of sanitary disposal project permits issued by the director. These are described in this rule.

STRIKE ALL OF 102.2(1) THROUGH 102.2(4) INCLUSIVE, AND REPLACE WITH THE FOLLOWING:

102.2(1) Municipal solid waste landfill permits. These permits are issued to landfills that will receive residential solid and various other solid wastes commonly collected from inhabited communities.

102.2(2) Non municipal solid waste landfill permits. These permits are issued to landfills that will receive a distinct waste or combination of wastes resulting from commercial or industrial activity.

102.2(3) Solid waste processing permits. These permits are issued to facilities that store, process, handle or dispose of solid wastes by means other than landfilling, including, but not limited to composting, baling, incinerating, separating, recycling, transfer stations, or processing preceding reuse.

102.2(4) Closure permits. These permits are mandatory for landfills at the close of their active use period. They prescribe the surveillance and maintenance functions required for the post closure period.

567--102.43 Preparation of Plans All plans and specifications submitted in support of an application for any permit shall be prepared in conformance with Iowa Code Chapter. 542B and shall be submitted in triplicate.

567--102.54 Construction and operation. All sanitary disposal projects shall be constructed and operated according to the plans and specifications as approved by the department and the terms of the permit. The approved plans and specifications shall constitute a term of the permit.

~~567--102.65(455b)~~ Compliance with rule changes.

RENUMBER 102.6(1) THROUGH 102.11 INCLUSIVE AS 102.5(1) THROUGH 102.5(11) INCLUSIVE.

Amend current 102.7 as follows:

102.7(455B) Amendments. Sanitary disposal project permits, ~~temporary permits and developmental permits~~ may be modified by issuance of an amendment by the department, ~~except as provided in 102.6(1).~~

~~102.12 Primary plan~~ Application requirements for all sanitary disposal projects other than sanitary landfills.

Strike 102.12(1) through 102.12(11) and insert:

102.12(1) A completed application form #-----.

102.12(2) A contingency plan detailing specific procedures to be followed in case of equipment breakdown, maintenance downtime, or fire in equipment or vehicles including methods to be used to remove or dispose of accumulated waste.

102.12(3) A contingency plan detailing specific procedures to be followed in case of equipment breakdown, maintenance down time, or fire in equipment or vehicles, including methods to be used to remove ore dispose of accumulated waste. --

102.12(4) Proof of the applicants ownership of the site or legal entitlement to use the site for the disposal of solid waste for the term of the permit for which application is made.

102.12(5) Closure plan. A closure plan shall be submitted which:

- a. Details how and when the facility will be closed in accordance with applicable requirements.
 - b. States the name, address and telephone number of the person or office to serve as a contact with regard to the facility during the post closure period.
- 102.12(6) Such other information as may be required by the director.

STRIKE ALL OF 102.14 THROUGH 102.14(9)D INCLUSIVE.

CHAPTER 103

103.1 Scope and applicability.

This chapter outlines the permit application, siting, design, operating and closure requirements for Municipal Solid Waste landfills (MSWLF) in 103.2 and requirements for Non Municipal Solid Waste landfills (NMSWLF) in 103.3. Requirements for demolition waste disposal sites are found in 103.4. Additional rules regarding landfills and other types of waste disposal systems are found in Chapters. 100, 101, 102. and 110.

103.2 Municipal Solid Waste Landfills (MSWLF)

103.2(1) New Permit Application Requirements

- A. Completed application form #_____.
- B. Approved comprehensive waste management plan.
- C. Copy of local siting approval required by 455B.305A of the Code of Iowa.
- D. Proof of legal entitlement to use the site.
- E. Hydrogeologic investigation report and a hydrologic monitoring system plan. Detailed requirements for these submissions are found in Chapter. 110 of the rules.
- F. Site development and operational plan
- G. Leachate control plan.
- H. Gas control plan.
- I. Closure and post closure plan.
- J. Financial assurance documentation.
- K. A map and aerial photograph of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wet lands, dry runs, rock outcroppings, roads and other relevant features affecting the design or operation of the landfill.
- L. A plot plan with contours of the entire area in appropriate scale showing current drainage patterns, existing drain tiles, boring locations, bench marks, existing wells and any other relevant features influencing the design or operation of the facility.
- M. Detailed engineering documents showing all site alterations including, but not limited to buildings, fences, litter control structures, roads, wells, water and sewer lines, leachate control and disposal, waste fill locations and cross sections.
- N. All new landfills or expansions that require a new permit or a permit amendment shall include:
 - 1. A comprehensive listing of plant and animal species. In preparing the listing the permit applicant shall contact the departments Parks, Recreation and Preserves division with a request to search its records to determine the presence of, or habitat for, any threatened or endangered species or communities and any prairies, forests or wetlands. In the event that the department's

files do not contain records of rare species or communities but their presence is suspected, the permit applicant may be required to conduct an approved site survey.

2. A determination of the presence of and assessment of the impact on any archaeological, historical, or architecturally significant properties on the proposed site. To assess the impact, the permit applicant must consult with the historic preservation bureau of the Iowa state historical society.

103.2(2) Renewal Permit Application Requirements

- A. Completed application form # _____.
- B. A copy of the current approval of the comprehensive waste management plan update.
- C. An update of the documents and information required in 103.2(1).
- D. A certification by a professional engineer licensed to practice in the State of Iowa that the landfill is being operated in accordance with the approved plan documents and applicable rules.

103.2(3) Closure permit application requirements

- A. Completed application form # _____.
- B. An updated hydrogeologic monitoring plan for the 30 year post closure period.
- C. An updated leachate control plan.
- D. An updated gas control plan.
- E. A plot plan showing the post closure contours, drainage patterns and permanent features including leachate handling facilities, roads and structures.
- F. Documentation of closure/post closure financial assurance.

103.2(4) Siting Requirements for MSWLFs.

- A. The base of the landfill must be a minimum of five feet above the known high water table unless a greater separation is required to ensure that there will be no adverse affect on ground or surface waters, or a lesser separation is unlikely to have an adverse affect on ground and surface waters.
- B. The landfill may not be located on a flood plain or shoreline without a formal determination by the departments' water resources section that the location will comply with the requirements of Title V of these rules and, where necessary, the approval of the U. S. Corps of Engineers must be obtained.
- C. The landfill must be a minimum of 1000 ft. from any existing well being used for human or livestock water consumption. Greater separation distance may be required if the hydrologic conditions in the area justify such separation.
- D. The landfill property line must be a minimum of one mile from any public water supply well in existence at the time of the first application for a landfill permit.
- E. All wastes must be deposited a minimum of 50 ft. from any adjacent property unless there is a written agreement between the parties on file with the county recorder that allows a lesser distance and a copy of the agreement is furnished to the Department at the time of application.
- F. All wastes must be deposited a minimum of 500 ft. from a habitable residence in existence at the time of application for the initial landfill permit unless there is a written agreement between the parties on file with the county recorder that allows a lesser distance and a copy is furnished to the department at the time of application.
- G. When a new landfill or lateral expansion is located within 10,000 ft. of any airport runway end used by turbojet aircraft or within 5,000 ft. of any airport runway end used only by piston type aircraft, the plan must contain a notice that the facility's official files will include the following demonstration: the site is designed and will be operated so that it does not pose a bird

hazard to aircraft. For any new site or lateral expansion within a five mile radius of any airport runway end use for turbojet or piston type air craft, the plan must show that the Federal Aviation Administration has been notified. For existing landfills located within 10,000 ft. of any airport runway end used by turbo jet aircraft or within 5,000 feet of any runway end used only by piston type aircraft, the owner or operator must prepare the demonstration required above in this paragraph and notify the director that it has been placed in the facility's official files.

H. When a new landfill or lateral expansion is located within 200 feet of a fault that has had displacement in Holocene time, the plan must contain a notice that the facility's official files will include the following demonstration: that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the site and will be protective of human health and the environment.

I. When a new landfill or lateral expansion is located in seismic impact zones, the plan must contain a notice that the facility's official files will include the following demonstration: that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in the lithified earth material for the site.

J. When a new facility or a lateral expansion is located in an unstable area, the plan must contain a notice that the facilities official files will include the following demonstration: that engineering measures have been incorporated into the site design to ensure that the integrity of the structural components of the site will not be disrupted. The demonstration must consider the on-site or local geologic or geomorphologic features, and on-site or local human-made features or events (both surface and subsurface). For existing facilities located in an unstable area, the owner or operator must prepare the above demonstration required in this paragraph and notify the Department that it has been place in the facility's official files.

103.2(5) Design Criteria for MSWLFs.

A. Liners.

1. MSWLF shall have a composite liner system consisting of two components. The upper component must consist of a minimum 30-mil flexible membrane liner (FML) or an FML component consisting of high density polyethylene (HDPE) at least 60 mil thick. The lower component must consist of at least a two foot layer of compacted soil having a coefficient of permeability of 1×10^{-7} cm/sec (.00028 ft./day) or less, as measured by laboratory analysis. The FML must be installed in direct and uniform contact with the compacted soil component.

2. The department may approve an alternate to the liner system specified in 103.2(5)a. provided that the alternative liner system design has included certification by a professional engineer licensed in Iowa stating that the proposed alternative liner system will ensure that the contaminant concentration values listed in federal regulations under 40CFR 258, Subpart D, table 1, will not be exceeded in the uppermost aquifer at the designated monitoring points of compliance as specified by the department. This point of compliance shall be not more than 150 meters from the waste management boundary. This point of compliance is to be utilized for the purpose of certifying the alternative design only. All operational issues related to monitoring systems, compliance determinations, groundwater assessments and remedial measures are governed by the appropriate, relevant sections in Chapter 103 and 111. The certification shall be on a form furnished by the department which shall include space for identification of the sources of data utilized, formulas, models, tests or other methods utilized to determine contaminant concentrations at the points of compliance and all reference or

guidance documents relied upon for the techniques or methods applied. A copy of all data utilized, formulas, models, tests or other methods utilized to determine contaminant concentrations at the point of compliance shall be placed in the facilities official files prior to operation of the landfill.

3. The side slopes of the landfill liner must be not more than 25 percent.

4. The landfill liner must be graded toward the leachate collection pipe at a slope not less than 2 percent nor greater than 10 percent.

5. A drainage layer must be placed immediately above the landfill liner. This drainage layer shall consist of a minimum of one foot of drainage media with a coefficient of permeability of 1×10^{-3} cm/sec (2.8 ft./day) or greater.

B. Leachate collection, storage, treatment and disposal

1. The leachate collection system shall be designed to allow not more than one foot of head above the top of the landfill liner. The system must include a method for measuring the leachate head in the land fill at the lowest area(s) of the collection system.

2. Leachate collection pipe in a landfill with a synthetic (FML) liner must be placed in a depression in the liner system a minimum of 18 inches deep. Additional soil must be added beneath the depression to provide a minimum of 2 feet of soil liner.

3. Leachate collection pipe in a landfill with an approved alternative soil liner must be placed in a trench a minimum of 18 inches into the liner. Additional soil must be added beneath the trench to provide a minimum of 4 feet of soil liner.

4. Leachate collection pipe shall be surrounded by a gravel protection and drainage layer, and by either a graded filter layer or by a geotextile filter fabric.

5. The collection pipe must be covered with a filter material to encourage flow and to prevent infiltration of fine grained materials into the pipe. The collection pipe must be perforated or slotted, of a sufficient diameter to handle the expected flow, but not less than 4 inches inside diameter, capable of being cleaned throughout the active life of the site and during the post closure period, chemically resistant to the wastes and the expected leachate and of sufficient strength to support maximum static and dynamic loads imposed by the overlying wastes, cover materials, and equipment used during the construction and operation of the site. Documentation shall be submitted which includes methods and specifications for cleaning of the pipes, chemical compatibility of the pipes, and calculations and specifications for pipe strength.

6. The leachate collection system shall be equipped with valves to enable the flow of leachate from the facility to be shut off during periods of maintenance.

7. Leachate treatment facilities must be designed in conformance with the departments wastewater treatment design standards. All leachate collection systems must be capable of storing at least seven days of collected leachate. All lagoon types of leachate treatment or storage systems must have a liner that meets the requirements for a landfill liner.

8. Effluent from a leachate collection or treatment system may be disposed of in the following ways:

a. Direct discharge to a watercourse pursuant to a National Pollution Discharge Elimination System (NPDES) permit issued by the department.

b. Discharge to a treatment facility that is owned and operated by another entity pursuant to a treatment agreement between that entity and the landfill. The treatment agreement must be submitted and approved by the department unless the community owning the treatment facility has an approved pretreatment program.

c. Recirculation onto the landfill if authorized by the operating permit. Such recirculation may be authorized only if the application area has a liner and a leachate collection system that comply with the design standards of this chapter.

C. Site design factors

1. The elevation of the final cover for a new landfill or the horizontal expansion of a currently permitted landfill shall not be more than 25 feet above the highest ground elevation that existed within the fill area prior to its utilization for waste disposal, nor shall the elevation of the final cover at any point be more than 50 feet higher than the original elevation at that point.

a. Where the final cover of a closed area in a currently active landfill exceeds the elevation limit a reduction in the height of those areas is not required.

b. The height limitation for the remaining portions of the landfill may be raised to the elevation already attained prior to the effective date of this rule.

2. The site must have all weather access roads adequate to accommodate all delivery vehicles and operating equipment.

3. The site must be fenced and gated in a manner that will prevent unauthorized deposition of wastes at the site.

4. The site must include diversion and drainage structures designed to prevent ponding, infiltration, erosion or slope failure from surface runoff due to a 25 year, 24 hour rainfall event shown in the Illinois State Water Surveys' "Rainfall Frequency Atlas of the Midwest", Bulletin #71.

103.2(6) Operating Requirements for MSWLFs.

A. An operation and development plan for all new landfills must be prepared and submitted to the department prior to the initiation of operations. The plan must, at a minimum, include the following:

1. The location and sequence of the area(s) to be filled during the permit period.

2. A monitoring and sampling program that includes an approximate sampling schedule and a quality assurance program for the collection, transport, analysis and record keeping for each monitoring point.

3. A contingency plan for dealing with interruptions of normal operations due to equipment failures, weather conditions or any other cause.

B. Each days waste deposit shall be uniformly spread and compacted in layers not exceeding 2 feet in depth.

1. Solid waste at the site shall be covered at the close of each days operation with a compacted layer of soil or approved alternative, at least six inches in depth.

2. At least one foot of intermediate cover shall be applied to any area of the site which will not be utilized for further disposal of solid waste for more than one week.

3. At least a two foot cover of compacted soil or approved alternative shall be applied to any area of the site which will not be utilized for further disposal of solid waste for more than two months. The cover must be graded to allow surface water runoff.

C. The working area of the landfill shall be staked to assure that the fill practice conforms to the plans and specifications approved by the department.

D. The landfill must be inspected annually by an engineer licensed to practice in the State of Iowa to determine conformance with the approved plans and specifications. A report

identifying the findings of that inspection must be submitted to the department by the permit holder.

E. All MSWLFs shall establish a program at the facility for detection and preventing the disposal of regulated hazardous waste. The program must consist of random inspections of incoming loads, thorough record keeping of the time, date and finding of each inspection and the follow up actions taken if any inappropriate wastes are found. The persons conducting such inspections must be trained in the identification of regulated hazardous wastes.

F. Solid wastes shall be unloaded at the operating area only when an operator is on duty at that area. Solid waste may be deposited in storage containers at the site under the supervision of an attendant or operator.

G. Access to the site shall be restricted and a gate shall be provided at the entrance to the site and kept locked when an attendant or operator is not on duty.

H. A copy of the permit, engineering plans and reports shall be kept at the site at all times.

I. Solid wastes shall not be deposited in such a manner that material or leachate therefrom may cause pollution of ground or surface waters.

J. Provisions shall be made for an all weather fill area which is accessible for solid waste disposal during all weather conditions under which solid waste is received and disposed of at the site.

K. Provisions shall be made to have cover material available for winter and wet weather operations.

L. The site shall be graded and provided with drainage facilities to prevent flow of surface water onto the fill area and to prevent soil erosion and ponding of water.

M. Areas where disposal is discontinued shall be covered with soil and seeded with suitable vegetation at the earliest possible date.

N. Monitoring wells or appurtenances related to hydrologic monitoring shall be maintained and repaired or replaced as necessary to assure continuity of all sample sources.

O. The static water level in each monitoring well shall be measured and recorded monthly during the first year of operation and at the time of each sampling event thereafter. Stage and flow rate of any surface waters required to be monitored must be measured and recorded at the time of sample collection.

P. Monitoring requirements

1. During the first year of operation of the hydrologic monitoring system, samples must be collected quarterly from each monitoring point. Samples shall be analyzed for the following parameters:

- a. Arsenic, dissolved
- b. Barium, dissolved
- c. Cadmium, dissolved
- d. Chromium, total, dissolved
- e. Lead, dissolved
- f. Mercury, dissolved
- g. Magnesium, dissolved
- h. Zinc, dissolved
- i. Copper, dissolved
- j. Benzene

- k. Carbon tetrachloride
 - l. 1,2 Dichloroethane
 - m. Trichloroethane
 - n. 1, 1, 1-Treichloroethane
 - o. 1,1-Dichloroethane
 - p. Paradichloroebenzene
 - q. Chloride
-
- r. Specific conductance
 - s. pH (Field Measurement)
 - t. Ammonia Nitrogen
 - u. Iron, dissolved
 - v. Chemical Oxygen Demand
 - w. Temperature (Field Measurement)
 - x. All other parameters specified in the facility's' permit.
 - y. Total organic halogen
 - z. Phenols
 - aa. All additional parameters specified in the facility's' permit.
2. After the first year each monitoring point must be sampled semiannually and analyzed for the following parameters:
- a. Chloride
 - b. Specific conductance (field measurement)
 - c. pH (field measurement)
 - d. Ammonia nitrogen
 - e. Iron, dissolved
 - f. Chemical oxygen demand
 - g. Temperature (field measurement)
 - h. All other parameters specified in the facilities permit
3. After the first year of operation each monitoring point must be sampled quarterly for the following parameters:
- a. Total organic halogen
 - b. Phenols
 - c. Any additional parameters specified in the facilities permit
4. All analyses must be performed by a laboratory certified by the state of Iowa. The reported analytical data must show the detection limit for each parameter.
5. After the first year of monitoring the mean and standard deviation for each parameter shall be calculated for each upgradient monitoring well and that data must be permanently retained in the facility files.
6. The mean and standard deviation for each down gradient monitoring point shall be recalculated annually using the data from all subsequent semi-annual monitoring available for that point.
7. If the analytical value for a current sample from any down gradient monitoring point does not fall within two standard deviations for the corresponding up gradient point the department shall be notified within thirty days. Also, if the analytical value for a current sample from any up gradient monitoring point does not fall within two standard deviations for that monitoring point

the department shall be notified within thirty days. The department may require additional monitoring if an exceedance is reported.

8. The owner or operator must maintain permanent records of all sampling events including:

- a. The date the samples were collected.
- b. The name of the person(s) collecting the sample.
- c. The water level at each point sampled.
- d. The results of all measurements, analysis and observations.

Q. The owner/operator shall submit an annual report in November of each year. The report must be prepared by an engineer licensed to practice in the State of Iowa and, at a minimum, must contain the following:

1. Graphs showing the concentrations versus time for all monitored parameters at each monitoring well for the period of record. The graph shall show the control limit (two standard deviations) for each parameter.
2. The amounts and types of wastes accepted under Special Waste Authorizations.
3. A summary of the construction, operation and closure activities that occurred during the year, such as the areas that were closed and received final cover, new areas opened, inspections and maintenance of monitoring wells, drainage systems and similar activities.

R. Owners and operators of MSWLFs must conduct quarterly monitoring to verify compliance with the following requirements:

1. The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components), and;
2. The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

S. If the methane gas levels exceed the limits stated in the previous paragraph the owner or operator of the MSWLF must:

1. Immediately take all necessary steps to ensure protection of human health and notify the department.
2. Submit a report to the department within seven days stating the gas levels detected and a description of the steps taken to protect human health.
3. Implement a plan for remediation of the methane gas releases within 60 days of detection of the violation. A copy of the plan being implemented shall be submitted to the department.

T. No free liquids or waste containing free liquid shall be accepted for disposal at a MSWLF.

U. If it becomes apparent that leachate is migrating from the disposal area in an amount that is or may potentially impact any waters of the state or surrounding property the department may require the preparation and submittal of a ground water assessment. The assessment shall delineate the hydrologic pathways of the migration, and must identify the current and potential extent and impact of the migration. This assessment shall be submitted to the department not more than 90 days after being notified that it is required.

V. Following the review and approval of the assessment the department will notify the owner or operator regarding the need to develop and implement a corrective action plan unless it is apparent that the migration does not pose a threat to the waters of the state or any surrounding property.

- W. Open burning is prohibited unless specifically authorized by the department.
- X. Litter must be confined to the property on which the landfill is located. Any litter strewn beyond the operating area must be collected and properly disposed of at the end of each day.
- Y. Scavenging is prohibited. Materials salvage may be conducted by the landfill or its authorized representatives.

103.2(7) Closure/post closure requirements for MSWLFs

A. Closure Requirements

1. The owner or operator of a MSWLF shall notify the department of intent to close at least 180 days prior to the date of closure. The notice shall be accompanied by an updated closure/post closure plan detailing the 30 year post closure monitoring program.
2. Notice of closure shall be posted at least 180 days prior to closure of the facility indicating the date of closure and alternative solid waste management facilities. Notice of closure shall also be published at least 180 days prior to closure in a newspaper of local circulation. The notice shall include the date of closure and alternative solid waste management facilities.
3. Implementation of the closure/postclosure plan shall be completed within 90 days of the closure of the facility. The owner and an engineer licensed in the state of Iowa shall certify that the closure/postclosure plan has been implemented in compliance with the rules, closure/postclosure plan and permit.
4. Upon completion of closure activities, as-built plans shall be submitted to the department showing changes from the original design plans, test results indicating compliance with final cover as applicable, waste removal, equipment decontamination, and other forms of documentation as required to include a copy of the notation filed with county recorder. The plans must also show the final cover contours, drainage pathways and any facilities related to closure or post closure maintenance.
5. A minimum of two permanent bench marks must be installed at different locations on the landfill property where they can not be affected by the differential settling of the wastes.
6. The final cover shall consist of a seal layer of not less than 2 ft. of compacted soil with a permeability of 1×10^{-7} cm/sec or less as determined by laboratory analysis. The soil shall be placed in lifts not to exceed 8 inches. Field density tests shall be performed to verify that the 1×10^{-7} cm/sec permeability has been attained.
7. The seal layer shall be overlaid with not less than 2 feet of uncomplicated topsoil capable of supporting perennial grasses.
8. A cover of perennial grasses shall be established on the final cover during the first growing season following closure.
9. The slope of the final cover shall be not less than 5% nor more than 25%. The site shall be graded so all surface runoff drains away from fill areas and the drainage pathways shall be designed to prevent erosion.

B. Post closure requirements.

1. The owner or operator is responsible for surveillance, monitoring and maintenance of the site for 30 years following closure of the facility.
2. Implementation of the post closure plan shall begin within 90 days of closure of the facility.
3. The department shall be notified within 10 days of any alterations to the site, whether such alterations are deliberate or the result of natural forces.

4. The vegetative cover must be maintained, including prompt reseeding, if necessary. Erosion must be repaired promptly. Differential settling shall be returned to grade to prevent ponding of surface runoff.
5. The department may extend the monitoring period beyond the 30 year period if off site water quality exceeds established limits or if the effectiveness of a remediation program has not been fully documented.

103.3 Non Municipal Solid Waste Landfills.

Following are the minimum requirements for siting, designing, and operating non-municipal solid waste landfills based on the assumption that most non-municipal solid waste has a very low potential for causing groundwater contamination or other environmental concerns. If the characteristics of the solid waste are such that a contaminated leachate may be generated, additional controls will be required.

103.3(1) Site requirements for non-municipal solid waste landfills (NMSWLF).

- A. The site shall not be a wetland, or within a 100 year flood plain and cannot have any sinkholes or similar karst features.
- B. No waste shall deposited within 300 ft. of an inhabitable residence or a commercial enterprise or within 50 feet of the property boundary.
- C. All waste must be a minimum of five feet above the maximum known ground water table.

103.3(2) Application requirements for a NMSWLF

- A. A completed application form on form number.
- B. A copy of the local siting approval required by 455B.305A of the Code Iowa.
- C. A copy of the letter from the Waste Management Assistance Division approving the comprehensive plan required by subrule 567-101.5 of the Iowa Administrative Code.
- D. Proof of legal entitlement to use the property as proposed.
- E. A topographic map of the site and the adjacent area within 500 feet of the site with contour intervals not exceeding five feet, that shows the location of existing improvements or alterations such as structures, wells, lakes, roads, drain tiles, or similar items. The highest point of elevation on the site shall also be identified and given.
- F. The results of a sufficient number of soil borings to establish the direction of ground water flow throughout the site and the minimum depth to ground water on the site.
- G. An adequate number, three minimum, of representative groundwater sample results to fully characterize the groundwater quality at the site.
- H. Construction drawings and specifications of the improvements and alterations that are to take place on the site such as roads, structures, utilities, drainage ways, gates and fences.
- I. A cross section view of the cell or cells that will be utilized during this permit period showing the placement and cover of the waste that is expected to occur during the permit period being requested.

103.3(3) Design Criteria

- A. Non municipal solid waste landfills shall have a soil liner consisting of at least two feet of compacted clay. The coefficient of permeability of the liner must be 1×10^{-7} cm/sec or less. The method of determining compliance with the coefficient of permeability shall be stated in the specifications. A flexible membrane liner (FML) or other alternate which meets the requirements for Municipal Solid Waste Landfills in subrule 103.2(5)a1&2 is an acceptable alternative. If side slopes exceed 25%, a liner is not required on the side slope.

B. Non municipal solid waste landfills must have a leachate collection and storage system. The collection pipe shall be placed in a trench excavated to a minimum of 18 inches below the liner surface. The collection pipe must be protected by granular material which must in turn be covered with a filter layer to facilitate liquid flow into the pipe while preventing fine grained materials from plugging the system. If a municipal Solid Waste Landfill liner system is used, the corresponding leachate collection system in subrule 103.3 must also be used.

C. The leachate collection pipe must be perforated and a minimum of four inches in diameter. The pipe must be made of chemically resistant materials and possess sufficient strength to support the maximum static loads to which it will be subjected. The collection system shall be equipped with valves that allow the shut off of flow during periods of maintenance.

D. No discharges of leachate from the landfill property to the waters of the state is allowed unless authorized by a National Pollution Discharge Elimination System (NPDES) permit. All other methods of leachate disposal must be in accordance with the operating permit.

E. The leachate storage system shall provide a minimum of seven days of storage. Any earthen leachate storage facility shall have an equivalent of or less permeability than the landfill liner.

F. Surface runoff must be diverted from all active or closed fill areas.

G. The elevation of the final cover for a new landfill or the horizontal expansion of a currently permitted landfill shall not be more than 25 feet above the highest ground elevation that existed within the fill area prior to its utilization for waste disposal, nor shall the elevation of the final cover at any point be more than 50 feet higher than the original elevation at that point.

1. Where the final cover of a closed area of in a currently active landfill exceeds the elevation limit a reduction in the height of those areas is not required.

2. The height limitation for the remaining portions of the landfill may be raised to the elevation already attained prior to the effective date of this rule.

H. The site must have all weather access roads adequate to accommodate all delivery vehicles and operating equipment.

I. The site must be fenced and gated in a manner that will prevent unauthorized deposition of wastes at the site.

J. The site must be secured with a fence and gate(s) to prevent unauthorized entry when unattended.

103.3(4) Operating requirements

A. A developmental and operational plan shall be prepared and submitted to the appropriate DNR field office prior to starting operations. The plan, at a minimum, shall include:

1. An identification of the area to be filled during the period for which a permit is being requested;

2. The method(s) that will be utilized to prevent illicit municipal or putrescible solid wastes from being deposited as a result of mixing with authorized waste brought to the site.

3. The frequency, extent, and method of spreading and compacting the waste; the optimum layer thickness; and the size and slope of the operating face.

4. How the facility will be operated with respect to when the operating personal will be on site and how waste will be allowed at the facility when an operator is not on site.

B. The person responsible for operation of the site must be a certified in accordance with operator certification requirements in subrule 102.13.

C. Wastes must be covered at least every two weeks with a minimum of six inches of soil cover or an alternative cover material approved by the department. The frequency of cover may

be increased by the department if the nature of the waste is such that more frequent covering is needed to control litter, dust, vectors and rodents, infiltration or similar type problems.

D. A minimum of one foot of intermediate soil cover or a department approved alternative intermediate cover shall be applied to areas which will not be utilized for further waste disposal for ninety days unless a greater cover depth is required because of the nature of the waste

E. Prior to the placement of any waste in the landfill a minimum of one upgradient monitoring well must be installed and sampled for the parameters listed in 103.2(6)o.

F. A minimum of one downgradient monitoring well must be installed within one year following startup operation. Additional monitoring wells will be required when it is apparent that more than one potential pathway of contaminant movement is available. Monitoring wells will normally be placed within 50 ft. of the waste boundary unless the department specifically grants a variance.

G. Within one year of installation of a monitoring well, a quarterly sample shall be collected from each well and analyzed for a Volatile Organic Compound scan (EPA Method 8260-60), Total Organic Carbon, and the predominant parameters agreed upon by the department based on the Toxicity Characteristic Leachate Procedure test results that are representative of the waste being disposed of. A minimum of one sample from each well shall be collected annually and analyzed for the above parameters. Each time a groundwater sample is collected, the groundwater elevation shall be measured and recorded to the nearest .01 foot. Increased sampling frequency will be required if a sample shows that the groundwater may be impacted by leachate.

H. A report on the groundwater monitoring results shall be submitted to the Solid Waste Section annually.

103.3(5) Closure/Postclosure Requirements

A. The final cover shall consist of not less than one foot of compacted clay soil overlain with not less than two feet of uncompacted soil capable of sustaining vegetative growth.

B. The final slope of the entire fill area shall be not less than 3% nor more than 20%.

C. A growth of hardy native grasses must be established on the final cover at the earliest possible date following closure.

D. A minimum of one sample from each well shall be collected annually and analyzed for the above parameters. Each time a groundwater sample is collected the groundwater elevation shall be measured and recorded to the nearest .01 foot. Increased sampling frequency will be required if a sample shows that the groundwater may be impacted by leachate.

E. A report on the groundwater monitoring results shall be submitted to the Solid Waste Section annually.

F. One Hundred and eighty days prior to closure the owner/operator must submit a postclosure plan describing the management process and the parties responsible for post closure activities including the operation and maintenance of the leachate collection and disposal system, monitoring and site maintenance

G. After closure an annual inspection of the site shall be conducted and any differential settling, surface cracks or holes, erosion channels or other interference with surface drainage must be restored to their original condition.

103.4 Requirements for demolition waste disposal sites.

103.4(1) Criteria and eligibility for establishing a demolition waste disposal site.

A. Permitted landfills, cities, counties and 28E units of government may establish a site for the disposal of demolition wastes originating within the defined planning area these entities are participating in without obtaining a permit from the department, subject to the requirements of this section.

B. The site must be operated under the management, direction and supervision of a certified landfill operator.

C. When a site has been selected as a demolition waste disposal site the Waste Management Assistance Division (WMAD) and the appropriate field office of DNR must be notified of the location and the intended use not less than 15 days prior to the acceptance of any wastes.

D. The tonnage fee requirements of 455b.310 do not apply.

103.4(2) Siting Requirements

A. The volume of any single site shall not exceed 50,000 cubic yards.

B. The site must be fenced and have gate locks that will prevent unauthorized entry when the site is unattended.

C. The site shall not be located in a wetland or within the 100 year flood plain. The site shall not be located in a gravel pit, quarry or any area where the waste would be in contact with ground water or highly permeable soils.

D. The waste in the fill area cannot be within 1000 ft. of a public or private well and cannot be within 200 ft. of the nearest surface water.

E. The fill area cannot be within 50 ft. of the property boundary nor within 300 ft. of a useable structure.

F. No burning may take place on the site.

G. The slope of the site cannot exceed 9%. All drainage must be diverted around the fill area to prevent surface water run on to the fill area surface during its active life or after closure.

H. The bottom of any filled area must be a minimum of three feet above the seasonal high water table.

103.4(3) Waste Acceptance and Management.

A. Wastes resulting from the demolition of structures, including those destroyed by natural disasters, are the only wastes that can be disposed of at such a site.

B. The structure must be inspected for the presence of asbestos by a person certified to conduct such inspections and to collect samples of Asbestos Containing Materials (ACM) or Presumed Asbestos Containing Materials (PACM).

C. If the inspection shows that the total waste stream does not contain ACM or PACM the structure may be disposed of pursuant to these regulations.

D. If ACM is present, the waste stream must be disposed of in accordance with currently applicable National Emission Standards for Hazardous Air Pollutants (NESHAPS) and Iowa Occupational Safety and Health regulations. As an alternative to disposal at an off site disposal area ACM may be buried on site, in the basement, provided that:

1. The wastes are kept thoroughly wet and the workers are adequately protected during the demolition/burial process.

2. The local government of jurisdiction grants approval.

E. Salvage of demolition material from ACM contaminated waste streams is not permitted unless each item is decontaminated in a containment area.

F. Items within a structure must be removed and recycled if practical or taken to a permitted disposal facility. Hazardous materials must be disposed of in accordance with applicable federal hazardous waste regulations./

G. Efforts to salvage and recycle metals and other materials are encouraged. An area on the disposal site should be designated for the separation, recovery and storage of recyclables.

103.4(4) Disposal Site Operating Requirements

A. The owner/operator of a site must keep records of the weight, type, and source of demolition materials accepted at the facility.

B. The owner/operator must submit an annual report to the Department of Natural Resources by October 1 of each year covering the most recent state fiscal year (July 1 through June 30). At a minimum the report must provide a) the name of the site owner, b) The location of the facility, c) the ton of waste accepted, and 4) the jurisdiction and address of the site of origin of the demolition waste. The tonnage reported must be from scale weights or by applying the formula of 1250 lbs. per cubic yard. One copy of the report shall be provided to the Waste Management Assistance Division (WMAD), Wallace Bldg., 900 E. Grand Ave., Des Moines, IA 50319 and one copy must be provided to the appropriate field office of the Environmental Protection Division.

C. The site must be secured against unauthorized entry unless a responsible operator is on site. The owner/operator is responsible for removing and disposing of wastes left near the perimeter of the site.

D. Demolition wastes can only be accepted from parties who have received prior approval from the city, county or 28 E unit owning and operating the site.

E. The active working face on the site shall be restricted to as small an area as practical.

F. Wastes shall not be exposed for more than thirty (30) calendar days unless additional wastes are currently being placed in the same area. Such interim cover shall consist of not less than six (6) inches of topsoil.

103.4(5) Closure / Post Closure Requirements

A. When an area is permanently closed it must be covered with a soil cover of at least 2.5 ft. The entire waste containing area must be graded to assure that surface water will readily run off.

B. After closure the owner/operator must establish a grass cover over the site and perform any other site modifications needed to prevent erosion of the cap.

C. The owner/operator must conduct an annual inspection of the site after closure and take any necessary actions to prevent drainage problems, repair erosion eliminate depressions in the cap, re establish grass cover in all damaged or barren areas in the cover and identify any other potential problems with final closure. This annual inspection and maintenance must be performed for at least five years after closure.

D. The Department may, at any time during the active life, or after closure, require investigation, testing, monitoring, or other action if it appears that the site is or may be a threat to the public health and welfare or to the environment or that it has been operated in must of this rule.

103.5 Requirements for Solid Waste Landfills that will receive only coal combustion residue.

Following are the minimum requirements for siting, designing, and operating a solid waste landfill accepting only coal combustion residue. "Coal combustion residue" means any solid waste produced by the burning of coal, either by itself or in conjunction with natural gas or other

carbon based fuels. It includes, but is not limited to, bottom ash, fly ash, slag and flue gas desulfurization sludge generated by coal combustion and associated air pollution control equipment.

103.5(1) Site requirements.

- A. The site cannot be a wetland, cannot be within a 100 year flood plain and cannot have any sinkholes or similar karst features.
- B. No wastes shall be deposited within 300 ft. of an inhabitable resident or a commercial enterprise, or within 50 ft. of the property boundary.
- C. All waste must be a minimum of five feet above the known ground water table.

103.5(2) Permit application requirements.

- A. A completed application form _____.
- B. A copy of the letter from the Waste Management Assistance Division approving the comprehensive plan required by subrule 567-101.5 of the Iowa Administrative Code.
- C. Proof of legal entitlement to use the property as proposed.
- D. A topographic map of the site and the adjacent area within 300 feet of the site, with contour intervals not exceeding five feet, that shows the location of existing improvements or alterations such as structures, wells, lakes, roads, drain tiles or similar items. The highest point of elevation on the site shall also be identified and given.
- E. The results of a sufficient number of soil borings to establish the direction of ground water flow throughout the site and the minimum depth to ground water on the site.
- F. An adequate number, three minimum, of representative ground water sample results to fully characterize the ground water quality at the site.
- G. Construction drawings and specifications of the improvements and alterations that are to take place on the site such as roads, structures, utilities, drainage ways, gates and fences.
- H. A copy of the local siting approval required by 455B.305A of the Code of Iowa.

103.5(3) Design Criteria

- A. The design of a coal combustion residue solid waste landfill shall contain a method for ensuring protection of the groundwater and surface water.
- B. The design plan shall include a method of ash transportation that prevents blowing ash and a method for preventing blowing dust and air emissions when unloading the ash.
- C. Surface runoff must be diverted from all active or closed areas, both during the active life of the facility and during the post closure period.
- D. The site must be secure with a fence and gate(s) to prevent unauthorized entry when unattended.
- E. The elevation of the final cover for a new landfill or the horizontal expansion of a currently permitted landfill shall not be more than 25 feet above the highest ground elevation that existed within the fill area prior to its utilization for waste disposal, nor shall the elevation of the final cover at any point be more than 50 feet higher than the original elevation at that point.
 - 1. Where the final cover of a closed area in a currently active landfill exceeds the elevation limit a reduction in the height of those areas is not required.
 - 2. The height limitation for the remaining portions of the landfill may be raised to the elevation already attained prior to the effective date of this rule.
- F. The site must have all weather access roads adequate to accommodate all delivery vehicles and operating equipment.

G. The site must be fenced and gated in a manner that will prevent unauthorized deposition of wastes at the site.

103.5(4) Operating requirements

A. An operation plan shall be prepared and submitted to the appropriate department field office prior to initiating operations. The plan, at a minimum, shall include:

1. An identification of the area to be filled during the period for which a permit is being requested.

2. ~~The method(s) that will be utilized to prevent illicit municipal or putrescible solid wastes from being deposited as a result of mixing with authorized waste brought to the site.~~

3. The frequency, extent and method of spreading and compacting the waste; the optimum layer thickness; and the size and slope of the operating face.

4. A description of the operating procedures that will be followed when wastes brought to the site.

B. Wastes may not be deposited in lifts of more than six inches. After the waste is deposited the lift shall be wetted sufficiently to form a cemented surface. If this method does not adequately control dust and erosion the department may require a soil cover.

C. A minimum of one foot of intermediate soil cover or a department approved alternative intermediate cover shall be applied to areas which will not be utilized for further waste disposal for ninety days.

D. A minimum of one downgradient monitoring well must be installed within one year of initiating operations. Additional wells may be required when it is apparent that more than one potential contaminant pathway exists. monitoring wells will normally be placed with 50 feet of the waste boundary.

E. Annual sampling of all monitoring wells shall commence within one year of initiating operations. Additional sampling may be required if it appears that the groundwater is or may be affected by leachate or surface activities at the landfill.

F. A report of the ground water monitoring results shall be submitted to the Department by the end of the first years operation and annually thereafter.

103.5(5) Closure/Postclosure requirements

A. One hundred and eighty days prior to closure the owner/operator shall submit a postclosure plan to the department. The plan shall list the day of closure, the actions that will be taken to close the site and the parties responsible for postclosure maintenance.

B. The final cover shall consist of not less than two feet of compacted soil and one foot of uncompacted soil capable of sustaining a growth of common grasses.

C. The slope of the landfill area after final closure shall be not less than 3% nor more than 25%

D. A growth of common grasses shall be established on the final cover by the end of the first full growing season.

E. A minimum of one sample from each monitoring well shall be collected annually during the post closure period and analyzed for the parameters specified in the permit. The results shall be included in the annual report.

F. After closure, an annual inspection of the site shall be conducted. Any differential settling, surface cracks, holes, erosion channels, or any interference with surface drainage shall be corrected by restoration to their original condition. A report on the findings and corrective actions taken shall be included in the annual report.

CHAPTER 108

108.1 Strike in it's entirety and replace with the following:

108.1 Policy:

It is the policy of the department to encourage recycling and beneficial reuse of wastes, ~~residues and byproducts that would otherwise have to be disposed of in accordance with solid waste disposal rules.~~ This chapter is intended to identify some of the more common beneficial reuse practices that may be conducted without the approval of this department. It further prescribes some management practices that must be followed to avoid the creation of environmental problems or nuisance conditions and also prescribes the procedure to be followed to obtain a determination from the department regarding the acceptability of a beneficial reuse that is not identified in these rules.

This rule describes some uses of waste products that are allowed without obtaining a permit or formal approval from the department. It does not exempt the user / generator from any other permits, approvals, licenses, registrations or similar requirements of local, state or federal agencies.

Amend 108.2 as follows:

108.2 Definitions. For the purposes of this chapter, the following terms shall have the meaning indicated in this rule.

"Coal combustion residue" means any solid waste produced by the burning of coal, either by itself or in conjunction with natural gas or other fossil fuels. It includes, but is not limited to, bottom ash, fly ash, slag, and flue gas de-sulfurization sludge generated by coal combustion and associated air pollution control equipment.

"Used foundry sand" means residuals from the foundry industry which are derived from molding, core making, and casting cleaning processes that primarily contain either individually or in combination sand, olivine or clay and which by specified leach test are acceptable for reuse.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Delete the remainder of Chapter. 108 and replace with the following.

108.3 User/generator responsibilities.

The following are some of the items that any generator or user of a waste should be aware of as they may determine the appropriateness of the beneficial reuse.

A. Wastes that are stockpiled prior to use must not be placed in a manner or location where they are subject to scattering by wind, water or scavengers.

B. If the waste materials are removed from the originating site at intervals of more than six months the department is to be furnished with written documentation specifying the reuse plan, including the anticipated interval times for removal and the location of the storage. Failure to do so could result in the generator being charged with maintaining an open dump.

108.4 Generally acceptable beneficial reuses of solid waste materials.

108.4(1) Coal Combustion Residues (CCR)

- A. As a raw material in the manufacture of cement, asphaltic products, shingles, wallboard, plastics and ceramics and similar uses.
- B. As an aggregate or admixture in concrete, soil cement, or asphaltic mixtures.
- C. As sub-base or wear surface for roads, parking lots, and trails. It may be used as sub base for structures, levees and dikes.
- D. As a soil conditioner, subject to the limitations contained in Chapter 121,3 of the departments rules. When applied directly to farmland it shall be incorporated within 10 days of application.
- E. As daily cover and the seal layer of the intermediate and final cover at landfills provided that it is mixed with the soil in a ration that does not exceed 50 per cent, by volume. It may be used as a soil conditioner in the uncompacted surface layer of the intermediate and final cover in amounts that will not inhibit or slow the establishment of permanent vegetative growth.

108.4(2) Used foundry sand.

A representative sample of the used foundry sand shall be collected and subjected to the Toxic Characteristic Leachate Procedure (TCLP) specified in the federal register at 40 CFR part 261, appendix II and if no value exceeds 50% of the leachate classification limit given in 40 CFR 261.24 the used foundry sand is considered acceptable for the following reuses.

- A. As daily cover at a sanitary landfill in accordance with the conditions stated in the landfill permit.
- B. As fill base for roads, parking lots, dikes and levees, and similar applications.
- C. As aggregate in concrete.
- D. As bedding material in trenches for underground conduits other than potable water lines.

108.5 Procedures for determining the acceptability of a proposed reuse.

The amount of ongoing reuse of materials that would otherwise be treated as a solid waste is very large. It is inevitable that the variety of beneficial reuses will increase with time. It is not uncommon for generators/users to be concerned that the reuse being contemplated could be considered unacceptable after a considerable effort and expense has been invested. This section attempts to provide guidelines to be followed in obtaining the departments opinion regarding the acceptability prior to initiation of the reuse. To repeat, the department encourages recycling and reuse and is likely to reject a proposal only when the public health or the environment would be at risk.

A. A call or personal contact with the department may be made to identify the proposed reuse. It is possible that the project being considered has been or is being conducted elsewhere in the state and the department can confirm that there is no concern with or objection to the proposed reuse.

B. A written submission may be submitted to the department providing the following details, as appropriate:

1. The name and address of the responsible waste generator and user.
2. The source and location(s) of the waste generation and the location(s) of the beneficial use, including a map of the area of proposed use.
3. A full description of the waste constituents.
4. A full description of the proposed reuse.
5. If the proposed use could potentially result in the release of organic materials or chemical constituents to the environment the department will likely require an analysis or a Toxic

Characteristic Leaching Procedure (TCLP) test for the compounds or elements suspected of being present, or both, before indicating acceptance of the proposed reuse.

108.6 Potential problematic reuses

The following information items are provided to illustrate some of the more common objections to reuse proposals.

A. Depositions in a gully, ravine, wash, excavation or basement. Some persons have assumed that such depositions represent "land reclamation" and are, therefore, a beneficial reuse. Generally, such practices provide little reclamation benefit and are little more than an excuse for open dumping.

B. Placement or temporary storage at an unsecured site where the presence of wastes would be likely to attract illegal dumping. Wastes which are difficult or expensive to dispose of, such as hazardous wastes, are likely to find their way to such a site and the responsible party is difficult to determine.

C. The use or storage of a waste where its presence is likely to be a) aesthetically objectionable, b) an attractive nuisance, c) a harborage for insects and rodents.

D. The use or storage of the waste could result in wind or water carriage to neighboring properties or bodies of water.

Chapter 110

Amend Chapter 567--110 as follows;

567--110.7(455B) Monitoring system plan.

567--110.7(455B) Monitoring system plan.

A hydrologic monitoring system shall be designed to intercept the ground water and surface water flow paths from the site. The plan shall include proposed locations and depths for monitoring wells in accordance with monitoring well siting criteria in ~~567--110.1(2)~~. 110.10. Monitoring wells shall be designed in accordance with ~~567--110.1(3)~~. 110.11. The surface water monitoring plan shall include monitoring points on all standing and flowing bodies of water which will receive surface water runoff or ground water discharge from the site. For streams, sampling points upstream and downstream of areas of potential impact from the site should be selected.

567--110.11(455B) Monitoring well/soil boring construction standards.

110.11(1) General considerations

A. Contractors involved in construction of monitoring wells and piezometers and soil boring activities shall be registered with the department as required in ~~567--Chapter 37-82~~.

567--110.12(455B) Sealing abandoned wells and boreholes.

Boreholes, piezometers and observation wells not used for ground water monitoring must be sealed- in accordance with applicable 567-chapter 39 requirements and the procedures defined under chapter 110. Document in writing the well or borehole legal property location, site owner and abandonment information utilizing departmental forms 542-1226. Include the location of the abandoned well or borehole with reference to the landfills coordinate system and method of sealing. The document must be retained at the landfill with a copy sent to the departments water supply and solid waste sections.

Mr. Stokes thoroughly explained details of the rule. He noted that on pages 15 - 17 addressing demolition waste disposal sites there were some comments given on that issue this morning. He related that section is a result of input received from local units of government over a year ago expressing concern about older buildings or damaged buildings and what they viewed as being prohibited costs for demolition and hauling. Mr. Stokes said staff met with various interests to address the issue and the concept here is not one of "no permit" but essentially "a permit by rule." Mr. Stokes related that a group of individuals have been working on these rules for over a year and this is their best attempt to develop rules that might work in addressing these concerns.

Rozanne King asked what the alternative use is for fly ash.

Mr. Stokes replied that it can be mixed with concrete and can also be mixed to use as daily cover at landfills.

Charlotte Mohr asked if these rules need to be on a fast track, adding that she received a phone call from a landfill operator who felt the proposed rules are a step backward

Mr. Stokes stated that staff have given it their best shot of trying to get a negotiated agreement that is acceptable to both sides of the issue and yet have it be something the department feels relatively comfortable with. He noted that if the Commission is not comfortable with proceeding on with the demolition waste aspect of the rules he would hope they would proceed on with the other aspects of the rule to get them out to public comment.

Mr. Stokes also discussed the proposal to establish height limitations on landfills, which is addressed on the bottom of page 12 in the rules.

INFORMATIONAL ONLY

CONTESTED CASE APPEAL--ORGANIC TECHNOLOGIES CORPORATION

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 15, 1996, the department issued Administrative Order No. 96-SW-19 and 96-WW-45 to Organic Technology Corporation, Tim Danley, and Ken Renfrow (OTC). That action required proper operation and maintenance of the composting facilities, compliance with a schedule for closing the facilities, and assessed a penalty of \$10,000. That action also notified OTC of the department's intent to revoke the permit, and denied a permit application for a new site. In addition, the department subsequently denied an application to renew the existing permit. Those actions were appealed by OTC, and the matter proceeded to administrative hearing on May 6, 7, 15, and 28, 1997. The Administrative Law Judge issued the attached Proposed Decision on August 1, 1997. The decision affirms the department's Order and permit revocation and renewal denial, and reverses the second permit denial.

Both parties have appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument

Chairman Ehm reviewed that this item was tabled last month and needs to be removed from the table.

Motion was made by Dean McWilliams to remove the OTC contested case appeal from the table. Seconded by Terrance Townsend. Motion carried unanimously.

REMOVED FROM TABLE

Mike Murphy stated that Mr. Landa had asked for an appointment but after discussing it have decided not to rehash the arguments. Mr. Murphy recapped the issues at hand and reviewed the Commission's options.

Chairman Ehm commented that the Commission had the opportunity to review the materials presented last month and related that a motion from the floor would provide basis for discussion.

Motion was made by Rita Venner to uphold the decision of the Administrative Law Judge. Seconded by Rozanne King.

Rozanne King commented that the ALJ decision was to assess the fine in the administrative penalty, revoke the permit for the Prole site, and not approve the permit denial for the new site.

Terrance Townsend stated that he reviewed the information and did not feel there was anything significantly different from what was presented.

Rozanne King commented that there were pretty well documented violations at Prole and it did not appear their compost was going out to market as it should have.

Vote on the motion carried unanimously.

ALJ DECISION UPHELD

PROPOSED RULE--CHAPTERS 20, 22, 23, 24, 25, 28, 29, & 31, AIR QUALITY RULES UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a draft of proposed rules for information only at this meeting. These rules propose to amend Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," Chapter 25, "Measurement of Emissions," Chapter 28, "Ambient Air Quality Standards," Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," and Chapter 31, "Nonattainment Areas," 567 Iowa Administrative Code at their December 1997 meeting. The Commission will be asked to approve a Notice of Intended Action to initiate the formal rule adoption process on these rules at their December 1997 meeting.

The purpose of this rule making is to update adoption by reference citations. Some adoptions by reference back-date the reference to more clearly identify the actual date of the last change made to the Code of Regulations cited. Most updates do not add any additional requirements upon the state or industry. However, one update adopts by reference the National Ambient Air Quality Standards (NAAQS) establishing new and revised particulate matter standards and revised ozone standards. The rule making also adds the federal nitrogen oxides emission reduction program to the acid rain program. Emissions of nitrogen oxides emitted into the atmosphere have significant adverse effects on human health and the environment. Nitrogen oxides also contribute to the formation ozone, fine particulate matter, acid deposition, and eutrophication of water bodies. This rule making also added various corrections to provide clarifications, remove obsolete rules, and correct internal citations.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed the rules noting the they will update the state with federal regulations on the air quality rules. He noted that Item 103, on page 8, is where the state would be adopting the new National Ambient Air Quality Standards for Fine Particulates, as well as the new National Ambient Air Quality Standards for Ozone. He related that congress could overturns the EPA rules but at this time it is a final rule by EPA, so it was included in the state's rules. He added that staff could come back with some emergency rules to delete that section if congress overrules.

Randall Giannetto arrived at this point in the meeting (1:10 p.m.)

Discussion followed in regard to possible impacts of the rules on business and Mr. Stokes indicated it would be 3-5 years before there any real impacts, if any.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 65, ANIMAL FEEDING OPERATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve as final rules amendments to Chapter 65 dealing with the regulation of animal feeding operations. These rules have been subject to public notice and hearing. The comment response summary and proposed final rule language are in final drafting and editing. Copies of the final rule proposal and comment response summary will be sent to the Commission under separate cover prior to the Commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.173(12); 1995 Iowa Acts, chapter 195, section 37; and 1997 Iowa Acts, Senate File 473, section 12, the Environmental Protection Commission hereby proposes to amend Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

1995 Iowa Acts, chapter 195, established new regulatory requirements for livestock feeding operations and required the Department to adopt administrative rules on a variety of environmental regulatory issues relating to such operations. That Act also required that the Department consult with representatives of livestock producers groups and other agencies and interest groups. The Animal Agriculture Consulting Organization (AACO) was formed as a result, and that group conducted public meetings to obtain public comments and discuss detailed recommendations for specific administrative rules. Comprehensive animal feeding operation rules were adopted and became effective March 20, 1996, as a result.

Since that time, AACO and the Department have continued to meet and consult to address additional issues or concerns relating to animal manure management. In addition, 1997 Iowa Acts, Senate File 473, was enacted relating to concerns with animal feeding operations and manure management in proximity to agricultural drainage wells (ADW). Two subcommittees were formed and met in late 1996 and early 1997. The first subcommittee focused on manure management plans, manure storage structure design standards, erosion control, hydrology, education and regional differences. The second subcommittee focused on ADWs, inspections and monitoring wells. AACO published and transmitted its recommendations to the Department on February 28, 1997, and recommended among other things that AACO and the Department continue to meet to develop specific amendments. Following numerous meetings, the Department presented the AACO recommendations for rule changes, along with its recommendations, to the Commission on July 21, 1997, at which time the substance of this Notice of Intended Action was approved.

The proposed amendments cover the general subjects of:

- Prohibiting construction of earthen manure storage structures, and spray irrigation of manure, in ADW drainage areas;
- Design standards for concrete manure storage structures;
- Earthen manure storage structure design standards, including soil testing and permeability, liner design, erosion control methods, and hydrology; and
- Technical amendments.

The proposed amendments represent a consensus between AACO and Department staff, with the exception of the following:

- The AACO recommendations include a proposal to allow construction of earthen manure storage structures below the groundwater table if specific design and operational controls are followed. The Department proposal does not allow construction below the groundwater table. This issue is reflected in Items 1, 10 and 11.

- The AACO proposal allows artificial lowering of the groundwater table by both gravity flow and active (mechanical) methods. The Department proposal allows artificial lowering of the groundwater table only by gravity flow and other permanent, nonmechanical methods. This issue is reflected in Items 12 and 13, paragraph "b."

- The AACO proposal for determining the groundwater table, in the Department's view, overly emphasizes the use of preconstruction monitoring wells, and is unclear. The Department's proposal makes it clear that preconstruction monitoring is only one of several factors that are used to determine the groundwater table. This issue is reflected in Items 12 and 13, paragraph "c."

The public is invited to comment on all aspects of the proposed amendments. Alternative language is included in this Notice, Items 1, 10, 11, 12, and 13, to reflect the options of AACO and the Department on the above areas of difference. The public is invited to comment on which options should be adopted.

Any interested persons may make written suggestions or comments on the proposed amendments on or before September 11, 1997. Written comments should be directed to Ubbo Agena, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, fax (515)281-8895.

Public hearings, at which times comments may be submitted orally or in writing, will be held on:

- September 2, 1997, at 7 p.m. at the Oelwein Community Center, 25 W. Charles Street, Oelwein, Iowa;
- September 3, 1997, at 7 p.m. at the Super 8 Motel Conference Room, 119 Westview Drive (Highway 1, North), Washington, Iowa;
- September 4, 1997, at 7 p.m. at the American State Bank Meeting Room, 1000 Jeffreys Drive, Osceola, Iowa;
- September 8, 1997, at 7 p.m. at the Cherokee Community Center Auditorium, 530 W. Bluff Street, Cherokee, Iowa;
- September 9, 1997, at 7 p.m. at the First National Bank (downstairs meeting room), 211 First Avenue NW, Hampton, Iowa; and
- September 11, 1997, at 7 p.m. at the Elks Club, 501 Poplar Street, Atlantic, Iowa.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1, and 1997 Iowa Acts, Senate File 473.

The following amendments are proposed.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

ITEM 1. Amend rule 567--65.1(455B) by adding the following new definitions in alphabetical order:

"Agricultural drainage well" means a vertical opening to an aquifer or permeable substratum which is constructed by any means including but not limited to drilling, driving, digging, boring, augering, jetting, washing, or coring and which is capable of intercepting or receiving surface or subsurface drainage water from land directly or by a drainage system.

~~"Agricultural drainage well area" means an area of land where surface or subsurface water drains into an agricultural drainage well directly or through a drainage system connecting to the agricultural drainage well.~~

~~"Low permeability"* means a permeability less than or equal to 10^{-7} centimeters per second. (If DNR's recommended amendments to Paragraph 65.17(7)(a) are adopted, the definition of "low permeability" should not be adopted. However, if the AACO's recommended amendments to paragraph 65.15(7)(a) are adopted, the definition of "low permeability" as proposed above should be adopted.~~

ITEM 2. Amend subrule 65.2(10) by adding a new paragraph "g" as follows:

g. Agricultural drainage wells. Manure shall not be applied by spray irrigation equipment on land located within an agricultural drainage well area.

ITEM 3. Amend subrule 65.6(1), paragraph "b," as follows:

b. Except as provided in subrule 65.6(2), a confinement feeding operation beginning construction, installation or modifications after the ~~effective date of these rules~~ March 20, 1996, shall obtain a construction permit prior to beginning construction, installation of an animal feeding operation structure used in that operation or prior to beginning significant modifications in the volume or manner in which the manure is stored ~~or~~ if any of the following conditions exist:

(1) The confinement feeding operation uses an aerobic ~~system~~ structure, anaerobic lagoon or earthen manure storage basin.

(2) to (5) No change.

ITEM 4. Amend rule 567--65.7(455B), introductory paragraph, as follows:

567--65.7(455B) Construction. ~~Iowa Code Supplement section 455B.173(13) prohibits an~~ An applicant for a construction permit from beginning shall not begin construction at the location of a site planned for the construction of an animal feeding operation structure, including an aerobic structure, until the person has been granted a permit for the construction of the structure by the department. For purposes of these rules:

ITEM 5. Amend subrule 65.8(1), paragraphs "f," "g," and "i," as follows:

f. For a manure storage structure in which manure is stored in a liquid or semiliquid form or for an egg washwater storage structure, an engineering report, construction plans and specifications, prepared by a ~~registered~~ licensed professional engineer or by Natural Resources Conservation Service personnel, that detail the proposed structures.

g. A report on soil borings in the area of the aerobic structure, anaerobic lagoon, egg washwater storage structure ~~(if earthen)~~, or ~~earthen~~ manure storage basin, as described in subrule

65.16(6), if a an earthen lagoon, structure or basin is being constructed. A minimum of three borings ~~are is~~ required for structures of $\frac{1}{2}$ acre water surface area or less and four borings or more for structures larger than $\frac{1}{2}$ acre. For structures larger than four acres water surface area, one additional boring per acre is required for each acre above four acres. ~~More borings may be required by the department if the borings show inconsistent soils.~~ All borings shall be taken to a minimum of 10 feet below the bottom elevation of the proposed structure and one boring must be taken to 25 feet below the bottom.

i. ~~If the confinement feeding operation contains three or more animal feeding operation structures, a registered licensed professional engineer shall certify that either the construction of the structure will not impede the drainage through established drainage tile lines which cross property boundary lines or that if the drainage is impeded during construction, the drainage tile will be rerouted to reestablish the drainage prior to operation of the structure.~~

ITEM 6. Amend subrule 65.15(1), paragraphs "b" and "c," as follows:

b. The drainage tile lines discovered near an aerobic structure, anaerobic lagoon or earthen manure storage basin shall be removed within 50 feet of the projected outside edge of the berm and within the projected site of the structure including under the berm. Drainage tile lines discovered upgrade from the structure shall be rerouted outside of 50 feet from the berm to continue the flow of drainage. Drain tile lines installed at the time of construction to lower a ~~perched~~ groundwater ~~layer~~ table may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain lower the ~~perched~~ groundwater ~~layer~~ table and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon or earthen manure storage basin is located. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, ~~bentonite~~ Portland cement concrete grout or similar materials, or reconnected to upgrade tile lines.

c. The applicant for a construction permit for a formed manure storage structure shall investigate for tile lines during excavation for the structure. Drainage tile lines discovered upgrade from the structure shall be rerouted around the formed manure storage structure to continue the flow of drainage. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials or reconnected to upgrade tile lines. Drain tile lines installed at the time of construction to lower a ~~perched~~ groundwater ~~layer~~ table may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain lower the ~~perched~~ groundwater ~~layer~~ table and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the ~~aerobic structure, anaerobic lagoon or earthen manure storage basin~~ formed manure storage structure is located.

ITEM 7. Amend subrule 65.15(2), paragraphs "c" and "d," as follows:

c. The drainage tile lines discovered near an aerobic structure, anaerobic lagoon, earthen manure storage basin or earthen waste slurry storage basin, other than an egg washwater storage structure, shall be removed within 50 feet of the outside edge of the berm. Drainage tile lines discovered upgrade from the aerobic structure, anaerobic lagoon or earthen manure storage basin shall be rerouted outside of 50 feet from the berm to continue the flow of drainage. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, Portland cement

concrete grout or similar materials, or reconnected to upgrade tile lines. Drain tile lines that were installed at the time of construction to lower a ~~perched~~ groundwater ~~layer~~ table may either be avoided if the location is known or may remain at the location if discovered.

d. By March 20, 1997, the owner of an aerobic structure, anaerobic lagoon, earthen manure storage structure or an earthen waste slurry storage basin, that is part of a confinement feeding operation with a construction permit granted before the date these rules are effective, including those granted before December 31, 1992, shall install a device to allow monitoring of the water ~~in the drain tile lines installed to lower the perched groundwater layer table~~ and to allow shutoff of the drain tile lines if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon, earthen manure storage basin or earthen waste slurry storage basin is located.

ITEM 8. Amend subrule 65.15(3), paragraph "b," as follows:

b. The drainage tile lines discovered may be removed within 50 feet of the outside edge of the berm. Drainage tile lines discovered upgrade from the structure may be rerouted outside of 50 feet from the berm to continue the flow of drainage. Drain tile lines that were installed at the time of construction to lower a ~~perched~~ groundwater ~~layer~~ table may either be avoided if the location is known or may remain at the location if discovered. All other drainage tile lines discovered may be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials or reconnected to upgrade tile lines. The confinement feeding operation should either obtain permission from an adjoining property owner or trench up to the boundary line of the property if the distance of 50 feet would require the inspection trench to go onto the adjoining property.

ITEM 9. Rescind subrule 65.15(6) and insert the following new subrule:

65.15(6) Soil testing for earthen structures. All subsurface soil classification shall be based on American Society for Testing and Materials Designations D 2487-92 or D 2488-90. Soil borings shall be taken to determine subsurface soil characteristics and groundwater elevation and direction of flow of the proposed site for the anaerobic lagoon, aerobic structure, earthen egg washwater structure, or earthen manure storage basin; ~~and~~ Soil borings shall be conducted by a qualified person normally engaged in soil testing activities. Data from the soil borings shall be submitted and shall include a description of the geologic units encountered, and a discussion of the effects of the soil and groundwater elevation and direction of flow on the construction and operation of the anaerobic lagoon, aerobic structure, earthen egg washwater structure, or earthen manure storage basin. All soil borings shall be taken by a method that identifies the continuous soil profile and does not result in the mixing of soil layers. The number and location of the soil borings will vary on a case-by-case basis as determined by the designing engineer and accepted by the department. The following are minimum requirements:

a. A minimum of three borings is required for an anaerobic lagoon, aerobic structure, earthen egg washwater structure, or earthen manure storage basin $\frac{1}{2}$ acre water surface area or less, and four or more for an anaerobic lagoon, aerobic structure, earthen egg washwater structure, or earthen manure storage basin larger than $\frac{1}{2}$ acre. For an anaerobic lagoon, aerobic structure, earthen egg washwater structure, or earthen manure storage basin larger than 4 acres water surface area, one additional boring per acre is required for each acre above 4 acres surface area.

b. All borings shall be taken to a minimum depth of ten feet below the bottom elevation of the anaerobic lagoon, aerobic structure, earthen egg wastewater structure, or earthen manure storage basin.

c. At least one boring shall be taken to a minimum depth of 25 feet below the bottom elevation of the anaerobic lagoon, aerobic structure, earthen egg wastewater structure, or earthen manure storage basin or into bedrock, whichever is shallower.

d. Upon abandonment of the soil bore holes, all soil bore holes including those developed as temporary water level monitoring wells shall be plugged with concrete, Portland cement concrete grout, bentonite, or similar materials.

ITEM 10A. **(DNR proposal)** Amend subrule 65.15(7), paragraph "a," as follows:

a. Groundwater table. A minimum separation of four feet between the lagoon or basin seal top of the liner on an earthen aerobic structure, anaerobic lagoon, or earthen manure storage basin floor and the maximum groundwater table is recommended; however, in no case shall the top of the lagoon or basin seal liner on an earthen aerobic structure, anaerobic lagoon, or earthen manure storage basin floor be below the maximum groundwater table. If the maximum anticipated groundwater table is less than two feet below the bottom of the lagoon or basin top of the liner on an earthen aerobic structure, anaerobic lagoon, or earthen manure storage basin floor, the lagoon or basin aerobic structure, anaerobic lagoon, or earthen manure storage basin shall be provided with a synthetic liner as described in 65.15(12)"f". Provisions for the permanent artificial lowering of perched groundwater layers on a site may be considered on a case by case basis.

ITEM 10B. **(AACO proposal)** Rescind subrule 65.15(7), introductory paragraph and paragraph "a," and insert the following **new** paragraphs:

65.15(7) Hydrology. The following requirements shall apply to confinement feeding operations which are required to obtain a construction permit.

a. Groundwater table. A minimum separation of four feet between the top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor and the groundwater table is recommended. The top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor shall be at least two feet above the groundwater table unless the applicant selects in the permit application and implements one of the following options to manage the groundwater movement during operation of the manure storage structure. In addition, the permit application shall include a description of the methods that will be used to manage the groundwater movement during and following construction of the aerobic structure, anaerobic lagoon, or earthen manure storage basin.

(1) If the groundwater table is less than two feet below but not above the top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor, the aerobic structure, anaerobic lagoon, or earthen manure storage basin shall be provided with a synthetic liner as described in 65.15(12)"f."

(2) For an anaerobic lagoon or earthen aerobic structure, the groundwater table shall not be above 50 percent of the minimum design volume as defined in rule 23.5(1)"b." During removal of manure from the lagoon, the manure liquid level shall not be lowered more than 12 inches below the monitored groundwater table as measured by the monitoring system. The confinement feeding operation shall install a monitoring system to determine the monitored

groundwater table and anaerobic lagoon or earthen aerobic structure liquid levels. This option shall not apply to an earthen manure storage basin.

(3) If the groundwater table is less than two feet below the top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor, the groundwater table shall be below the highest level of the first continuous layer of low permeability soil located below the normal soil surface. The first continuous layer of low permeability soil shall be at least five feet thick and extend to two feet below the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin.

(4) If the groundwater table is above the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin, a slurry wall shall be installed to extend from the soil surface to a depth at least two feet into the first continuous layer of low permeability soil located below the normal soil surface. The layer shall be at least five feet thick and extend to at least two feet below the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin. A slurry wall shall consist of a bentonite amended soil, or similar impervious materials, in a trench no less than two feet wide encompassing the aerobic structure, anaerobic lagoon, or earthen manure storage basin. A slurry wall shall provide for seepage loss through the wall that is as low as practically possible. The permeability, as laboratory tested, shall be less than or equal to 10^{-7} centimeters per second. Following construction of the aerobic structure, anaerobic lagoon, or earthen manure storage basin and slurry wall, the results of a testing program which indicate the adequacy of the slurry wall shall be provided to the department in writing prior to start-up of the operation.

(5) A method approved by the department which adequately manages groundwater movement and liner integrity.

ITEM 11A. (DNR proposal) Amend subrule 65.15(7) by striking paragraph "b" and replacing it with the following new paragraphs "b" and "c":

b. Permanent artificial lowering of groundwater table. The groundwater table around an anaerobic lagoon, aerobic structure, or earthen manure storage basin may be artificially lowered to levels required in paragraph "a" by using a gravity flow tile drainage system or other permanent nonmechanical system for artificial lowering of the groundwater table. Detailed engineering and soil drainage information shall be provided to confirm the adequacy of the proposed permanent system to provide the required drainage without materially increasing the seepage potential of the site. (See subrule 65.15(1) for monitoring and shutoff requirements for drainage tile lines installed to lower the groundwater table.) For formed manure storage structures partially or completely constructed below the normal soil surface, a tile drainage system or other permanent system for artificial lowering of groundwater levels shall be installed around the structure if the groundwater table is above the bottom of the structure.

c. ~~Groundwater table~~ Determination of groundwater table. For purposes of this rule, groundwater table means the average annual high water table determined by the licensed professional engineer, and approved by the department as part of issuing a construction permit to the animal feeding operation, pursuant to this subrule. Current groundwater levels shall be measured using three temporary monitoring wells by measuring the water level seven days after installation. The borings required in subrule 65.15(6) may be completed as temporary monitoring wells for this purpose. The monitoring well measurements, along with evaluation of site soils for indicative features such as color and mottling, other existing water table data, and

other pertinent information shall be used to determine the average annual high water table. If a drainage system for artificially lowering the groundwater table will be installed in accordance with the requirements of paragraph 65.15(7)"b," the level to which the groundwater table will be lowered will be considered to represent the average annual high water table.

ITEM 11B. (AACO proposal) Amend subrule 65.15(7) by striking paragraph "b" and replacing it with the following new paragraphs "b" and "c":

b. ~~Permanent artificial lowering of groundwater table.~~ The groundwater table around an anaerobic lagoon, aerobic structure, or earthen manure storage basin may be artificially lowered to levels required in paragraph "a" by using a tile drainage system or other permanent system for artificial lowering of the groundwater table. Detailed engineering and soil drainage information shall be provided to confirm the adequacy of the proposed permanent system to provide the drainage required. (See subrule 65.15(1) for monitoring and shutoff requirements for drainage tile lines installed to lower the groundwater table.) For formed manure storage structures partially or completely constructed below the normal soil surface, a tile drainage system or other permanent system for artificial lowering of groundwater levels shall be installed around the structure if the groundwater table is above the bottom of the structure.

c. Groundwater table. For purposes of this rule, groundwater table means the average annual high water table determined by the licensed professional engineer, and approved by the department in the construction permit application, pursuant to this subrule. The approved groundwater table shall be measured using three temporary monitoring wells by measuring the water level seven days after installation. The borings required in subrule 65.15(6) may be completed as temporary monitoring wells for this purpose. The monitoring well measurements, along with evaluation of site soils for indicative features such as color and mottling, other existing water table data, and other pertinent information showing the average annual high water table shall be used to determine the groundwater table.

ITEM 12. Rescind subrule 65.15(12) and insert the following new subrule:

65.15(12) Aerobic structure, anaerobic lagoon, or earthen manure storage basin liner design and construction standards. An aerobic structure, anaerobic lagoon or earthen manure storage basin which receives a construction permit after (**insert effective date of these rules**) shall comply with the following minimum standards in addition to subrule 65.15(11).

a. If the location of the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin contains suitable materials as determined by the soil borings taken pursuant to subrule 65.15(6), those materials shall be compacted to establish a minimum of a 12-inch liner. A minimum initial overexcavation of six inches of material shall be required. The underlying material shall be scarified, reworked and compacted to a depth of six inches. The overexcavated materials shall be replaced and compacted.

b. If the location of the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin does not contain suitable materials as determined by the soil borings taken in subrule 65.15(6), suitable materials shall be compacted to establish a minimum of a 24-inch liner.

c. Where sand seams, gravel seams, organic soils or other materials that are not suitable are encountered during excavation, the area where they are discovered shall be overexcavated a minimum of 24-inches and replaced with suitable materials and compacted.

d. All loose lift material must be placed in lifts of nine inches or less and compacted. The material shall be compacted at or above optimum moisture content and meet a minimum of 95 percent of the maximum density as determined by the Standard Proctor test after compaction.

e. For purposes of this rule, suitable materials means soil, soil combinations or other similar material that is capable of meeting the permeability and compaction requirements. Sand seams, gravel seams, organic soils or other materials generally not suitable for anaerobic lagoon, aerobic structure, or earthen manure storage basin construction are not considered suitable materials.

f. As an alternative to the above standards, a synthetic liner may be used. ~~The area where the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin will be located shall be appropriately prepared to support the liner. Preparation of the area and selection and installation of the synthetic liner shall be conducted in accordance with requirements of U.S.D.S. Natural Resources Conservation Service Technical Guide Standard 521 Pond Sealing or other methods which provide an equivalent level of groundwater protection.~~ If the use of a synthetic liner is planned for an earthen aerobic structure, an anaerobic lagoon, or earthen manure storage basin, the permit application shall outline how the site will be prepared for placement of the liner, the physical, chemical, and other pertinent properties of the proposed liner, and information on the procedures to be used in liner installation and maintenance. In reviewing permit applications which involve use of synthetic liners, DNR will consider relevant synthetic liner standards adopted by industry, governmental agencies, and professional organizations, as well as technical information provided by liner manufacturers and others.

ITEM 13. Amend rule 567--65.15(455B) by adding the following **new** subrules:

65.15(14) Concrete standards. A concrete formed manure storage structure, other than for the storage of manure in an exclusively dry form in a roofed structure, that is part of a confinement feeding operation which receives a construction permit after **(insert effective date of these rules)** shall meet the minimum design and construction standards as described in this rule.

a. All concrete used in the construction of the formed manure storage structure shall have a minimum compressive strength of 4000 pounds per square inch (psi) as batched and delivered for use and meet the engineering design standards as placed. However, the minimum compressive strength for concrete used in footings shall be 3000 psi as batched and delivered for use and meet the engineering design standards as placed. All rebar used in the construction of the concrete formed manure storage structure shall be made of a minimum of grade 40 steel.

b. The floor of a concrete formed manure storage structure shall be a minimum of five inches thick. The floor of any concrete formed manure storage structure with a designed manure storage depth of 48 inches or more shall be reinforced with a minimum of either 6 x 6 x 10 x 10 steel wire mesh or #4 rebar placed a maximum of 18 inches on center in each direction, or the steel equivalent.

c. The load-bearing walls of any concrete formed manure storage structure with a designed manure storage depth of less than 120 inches shall be a minimum of six inches thick. The load-bearing walls of any concrete formed manure storage structure with a designed manure storage depth of 120 inches or greater shall be a minimum of eight inches thick. The walls shall be reinforced with a minimum of either #4 rebar placed a maximum of 18 inches on center in each direction or the steel equivalent.

d. All load-bearing walls shall be formed with rigid forming systems and shall not be ground formed.

e. All construction joints of the formed manure storage structure shall be poured to prevent discontinuity of steel and concrete and have rebar placed through the joint that is properly spliced and overlaid.

65.15(15) Berm erosion control.

a. The following requirements shall apply to anaerobic lagoons, earthen aerobic structures, ~~or earthen manure storage basins which receive a construction permit after~~ **(insert effective date of these rules)**:

(1) Concrete, rip rap, synthetic liners or similar erosion control materials or measures shall be used on the berm surface below pipes where manure will enter the anaerobic lagoon, aerobic structure, or earthen manure storage basin.

(2) Concrete, rip rap, synthetic liners or similar erosion control materials or measures of sufficient thickness and area to accommodate manure removal equipment and to protect the integrity of the liner shall be placed at all locations on the berm, side slopes, and base of the anaerobic lagoon, aerobic structure, or earthen manure storage basin where agitation or pumping may cause damage to the liner.

(3) Erosion control materials or measures shall be used at the corners of the anaerobic lagoon, aerobic structure, or earthen manure storage basin.

b. The owner of a confinement feeding operation with an anaerobic lagoon, earthen aerobic structure, earthen manure storage basin, earthen waste slurry storage basin, or earthen egg washwater storage structure shall inspect the structure berms at least semiannually for evidence of erosion. Erosion problems found which may impact either structural stability or liner integrity shall be corrected in a timely manner.

65.15(16) Agricultural drainage wells. After May 29, 1997, a person shall not construct a new or expand an existing earthen aerobic structure, earthen anaerobic lagoon, earthen manure storage basin, earthen waste slurry storage basin, or earthen egg washwater storage structure within an agricultural drainage well area.

ITEM 14. Amend subrule 65.16(1) as follows:

65.16(1) Manure application rate general rules. A confinement feeding operation that is required to submit a manure management plan to the department under this rule shall not apply manure in excess of the nitrogen use levels necessary to obtain optimum crop yields. Nitrogen application rates shall be based on total nitrogen content of the manure unless the applicant submits calculations to show that crop usage rates based on plant available nitrogen have not been exceeded for the crop schedule submitted. Information to complete the required calculations may be obtained from the tables in this chapter, actual testing samples or from other credible sources including, but not limited to, Iowa State University, the United States Department of Agriculture, a registered licensed professional engineer, or an individual certified as a crop consultant under the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS) program, the Certified Crop Consultants (CCA) program, or the Registry of Environmental and Agricultural Professionals (REAP) program.

ITEM 15. Amend rule 567--65.17(455B) as follows:

567—65.17(455B) Construction certification. A confinement feeding operation which obtains a construction permit after March 20, 1996, shall submit to the department a certification from a registered licensed professional engineer that the manure storage structure in which manure is stored in a liquid or semiliquid form or the egg washwater storage structure was:

1. No change.
2. Supervised by the registered licensed professional engineer or a designee of the engineer during critical points of the construction;
3. ~~Inspected by the registered licensed professional engineer after completion of construction and before commencement of operation; and~~
4. No change)

Date

Larry J. Wilson, Director

Mr. Stokes stated that the rules represent 95% agreement between the department and the AACO group. He reviewed the two major areas of disagreement and noted that both proposals, the department's and AACO's, were taken out to public hearing. He related that in the areas of disagreement it is in philosophy and position on the issues. He noted that the technical proposals in the AACO proposal are do-able and can work in a technological sense, but the department's position is that they open up a degree of complexity in construction and operation and uncertainty that staff doesn't believe is warranted. He clarified that the rules do not ban the use of earthen lagoons but could provide some unique challenges to their use in certain portions of the state. Mr. Stokes explained that the rules have for a number of years stated you cannot put lagoons down into the groundwater table and that you must maintain a separation distance. He noted that one comment, in relation to Item 5, implied that the department was in error by not picking up the term "earthen," and he noted that word is still in there but is not recited in several places, and it still maintains the earthen reference. Mr. Stokes stated that the definition of groundwater table has not been changed and expanded on that issue. He further explained changes made relative to public comments received. He asked the Commission to adopt the version with the DNR recommendations in the areas of Item 10 and 11, and with the changes made as a result of public comment. He noted that if the Commission approves the rule with the AACO version on Items 10 and 11, they would need to adopt a definition of "low permeability." Also, the Commission could adopt either version without the changes made in public comment.

Appointment - Mark Friedow

Mark Freidow, AACO representative from Iowa Poultry Association, stated that he chaired sub-committee of eight dealing with hydrology. He noted that the five livestock committee members and the ISU representative all voted for the second time to approve the AACO recommendations. He stated that there is a change in the definition of groundwater although it is very minuscule, adding that the change eliminated perched groundwater and he expanded on that issue. Mr. Friedow explained that the department does not have a factual disagreement with the

AACO committee and what the scientists say is that it works. He discussed low permeability soils and related that the ten-to-minus-seven is used by the NRCS in their analysis, construction, and design standards of lagoons. He related that he is disappointed that the DNR rejected the science based results in favor of a philosophical viewpoint. Mr. Friedow took issue to statements coming from someone in DNR alluding that farmers are incapable of operating mechanical equipment. He pointed out that the rules take into account livestock/agriculture which includes poultry. He noted that it is difficult for young people to expand under these rules. Mr. Friedow distributed a paper entitled "California Poultry Letter - Municipal Wastewater Pathogens," noting that there is more than livestock lagoons out there. He added that cities have used lagoons for years and they are constructed the same as the livestock lagoons. He asked the Commission to think about approaching the legislature to increase the quantity and dollar amount of the fines, as it would encourage people to do things right.

Appointment - Lindsey Larson

Lindsey Larson, Jefferson, reviewed the history of AACO noting that in September 1996 they looked at some situations in north central Iowa where there were problems with some earthen structures, and AACO group believe it was due to liner integrity problems. He related that if the liners had been constructed based on the standards it would not have been a problem. He stated that in agriculture when a cost is passed along the producers are forced to eat that cost, so they have to look very closely at increased regulations. Mr. Larson mentioned that earthen structures have been a part of Iowa for 31 years and there is yet to find a contamination problem or a bond breakage of earthen structures. He related that his committee's concern is that if the options he will present are not allowed, it may force structures to be built above ground and there have been problems and dangers with that in other states. Mr. Larson stated that the AACO group would like to have all scientifically justified options available to farmers. Those options are: 1) the use of synthetic liner in the areas of the groundwater when an earthen structure is built; 2) the option of managing those levels of groundwater and manure in the basin with measuring devices that can be done and are doable; 3) the low permeability option; 4) the slurry wall; and 5) allow new technology to surface. Mr. Larson urged the Commission to adopt the options he outlined noting that if they were not workable he would not be before the Commission today. He discussed on the issue of mechanical means to lower the groundwater and noted that it should be allowed. He expanded on mechanical versus non mechanical means of lowering.

Mr. Stokes stated that in relation to Mr. Friedow's comment on the removal of the definition of perched groundwater, that was in both recommendations and was not a fundamental difference between the two versions. He stated that there were comments that there have been no monitoring efforts or documentation of groundwater contamination and he will offer three observations on that: 1) The degree of groundwater monitoring around animal manure lagoons has been very limited and two years ago the legislature directed some money to do a pilot program of monitoring around lagoons. He related that the department was unable to solicit any people who would voluntarily allow the department to do monitoring around those systems. Mr. Stokes noted that last session the legislature transferred that money to ISU to establish a comprehensive groundwater monitoring program around animal manure lagoons to get some

better data. 2) The department rules have for a number of years not allowed placing animal or sewage lagoons below the groundwater table. He related that one reason we have not seen anything bad in the groundwater so far may be because the department has never allowed them to be below the groundwater table. He noted that while these things can be done in a technical sense one must think about how they can be implemented when you put them out in the real world. Mr. Stokes stated that there have been problems from mega operations as well as from family farmers, and most of these have been due to improper operation of the facilities. He noted that there are some honest differences of opinion and asked the Commission to adopt the department version of the rules.

Brief discussion took place on artificial lowering of groundwater table or using gravity flow.

Chairman Ehm stated that he does not dispute the science and understand it can be done mechanically, but everyone knows when something is out of sight, it become out of mind and it just add adds one more piece to the whole puzzle which makes it more complicated and opens up more risks. He related that it adds the potential for increased cost but in the long run it may save a lot of dollars down the road. He added that he is inclined to support the department's recommendation.

Rita Venner commented that she admired the AACO group for the information they gathered and the experts they used to get scientific information that the DNR cannot disagree with, and the Commission needs to look at that and make use of it. She stated that she thinks farmers need options, adding that the young farmer looking at setting up a livestock operation will look at the bottom line to see what he can afford, and above ground structures cost twice as much as an earthen lagoon. Steel structures cost three-and-one-half times as much as an earthen lagoon, and this will put young farmers out of business if earthen structures are not allowed. Commissioner Venner noted that the AACO group has done their homework and the Commission needs to take heed on the information provided by them, adding that she will support their findings. She stated that farmers are capable of handling mechanical means of operation and she feels that all options should be available to the farmers out there.

Terrance Townsend stated that he also appreciates the work of the AACO committee but it really bothers him when he picks up the newspaper and reads about thousands of fish being killed because someone failed to check to see what the level of a lagoon was, or someone didn't bother to check a pipe, etc.

Rita Venner stated that a lot of the mistakes and noncompliance has been with application of the manure or nonfunctioning of the mechanics in the lagoons. She added that scientific data show that the options proposed by AACO will work, and it is not fair to the young farmers if the department does not allow all of the options.

Terrance Townsend stated that he has a problem with allowing lagoons below the groundwater level.

Discussion followed in regard to artificial lowering of municipal lagoons if needed and where a pump would discharge to.

Motion was made by Rita Venner to adopt the rules with the changes made as a result of public hearing and with the AACO recommendations. Seconded by Charlotte Mohr.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners King, Mohr and Venner. "Nay" vote was cast by Commissioners Giannetto, McWilliams, Murphy, Priebe, Townsend, and Ehm. Motion failed on a vote of 3-Aye to 6-Nay.

MOTION FAILED

Motion was made by Dean McWilliams to adopt the DNR version of the rules. Seconded by Terrance Townsend.

Gary Priebe commented that he is in a real quandary with this as he does not think any lagoon should be built below the water table whether it's artificially drained or pump drained. He added that where it is allowed to be nonmechanically lowered he cannot see much difference between that and being pumped. He noted that he hates to shut out new young farmers but there are problems that exist and above ground slurry storage or formed storage under building is the way to go. He reiterated that he does not want to see any lagoons below the water table.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners McWilliams, Murphy, Priebe, Townsend, Giannetto, and Ehm. "Nay" vote was cast by Commissioners Mohr, Venner and King. Motion carried on a vote of 6-Aye to 3-Nay.

DNR VERSION OF THE RULES APPROVED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Trace, Inc. (Howard County) - water pollution
- b. A.J. DeCoster (Hamilton County) - water pollution

- c. Mike Buringrud, Carpenter Bar & Grill (Carpenter) - drinking water
- d. City of Ainsworth - drinking water/penalty
- e. Meadow Knolls Road Association (Marion) - drinking water/penalty

Trace, Inc.

Mr. Murphy stated that this matter involves a request for referral of Trace, Inc., due to a discharge of swine manure into Crane Creek in Howard County in July 1997. He noted that Trace Inc. does business as TIP Farms, and this case involves TIP Farm #15 near Saratoga, in Howard County. Mr. Murphy related that the manure discharge was discovered by local residents and reported to the department as a fish kill in Crane Creek. The department investigated and found that manure had overflowed the primary cell at some point prior to the fish kill incident. He related that it was apparently due to a plug in the crossover pipe that would normally carry the manure to the secondary cell. He stated that staff felt the circumstances of the discharge were matters that should not have occurred in a well run operation and considering the major environmental impact it had, it should be referred to the Attorney General. Mr. Murphy noted that there has been an Administrative Order in 1992 for this operation involving a different facility in Wright County.

Appointment - Ron Tracey

Ron Tracey introduced Gary Schrad, Vice President of Trace, Inc. and distributed copies of a paper showing chronological notes pertaining to this case, along with a copy of their manure handling procedure. He pointed out that there were no violations in the first twelve years of operation. He stated that the problem they had did not involve any mechanical failures and they immediately contained the discharge and did a good job of cleanup. He stated that Trace Inc. has had some incidents of vandalism, adding that there is no proof of it but it is his belief a disgruntled employee was involved in this overflow. He expanded on that issue and related that he spoke to the sheriff and was told there was not enough evidence to carry it forward to a criminal case. Mr. Tracey discussed the manure handling procedures at Trace, Inc., noting that he has tightened up time frames on inspections since this incident. He stated that he is trying to understand why it is being referred to the Attorney General with the implication of criminal behavior.

Rita Venner told Mr. Tracey that she does not think any of the Commissioners look at him as a criminal but it is the Commission's obligation to review these cases.

Chairman Ehm commented that a portion of the litigation report that needs to be discussed in closed session.

Closed Session

Motion was made by Rozanne King to go into closed session pursuant to Iowa Code section 21.5(1)(c) to discuss strategy with counsel to discuss matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government.

Seconded by Terrance Townsend. Roll call vote was taken and "Aye" vote was cast by Commissioners Mohr, Murphy, Priebe, Townsend, Venner, Giannetto, King, McWilliams, and Ehm. Motion carried unanimously.

Motion was made by Terrance Townsend to return to Open Session. Seconded by Rozanne King. Motion carried unanimously

Chairman Ehm announced that no decision was made in closed session.

Motion was made by Terrance Townsend for referral of Trace, Inc. to the Attorney General's Office. Seconded by Rozanne King

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners King, McWilliams, Mohr, Murphy, Townsend, Venner, Giannetto, and Ehm. "Nay" vote was cast by Commissioner Priebe. Motion carried on a vote of 8-Aye to 1-Nay.

REFERRED

A. J. DeCoster

Mr. Murphy stated that the department received a request for delay on this case to allow their counsel more time for preparation and information. He related that it will be brought to the Commission at a later date.

DELAYED TO FUTURE MEETING

Mike Buringrud

Mr. Murphy briefed the Commission on the history of this case involving monitoring violations of the public water supply.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

City of Ainsworth

Mr. Murphy stated that the party in this case has paid the penalty, so the department is withdrawing the request for referral.

REFERRAL WITHDRAWN

Meadow Knolls Road Association

Mr. Murphy stated that the party in this case has paid the penalties, so staff are withdrawing the request for referral.

REFERRAL WITHDRAWN

1998 LEGISLATION PACKAGE

Don Paulin, Deputy Director, presented the following item.

Mr. Paulin explained that Items 13 and 14 were revised and he distributed copies of the revised version, asking the Commission to replace the original Item 13 and 14 in their packets with this version. The revised version is shown at the end of the following legislative proposals.

DEPARTMENT OF NATURAL RESOURCES PROPOSED LEGISLATION, 1998

The issue and rationale

Related items in same sections are lumped together, as they would be in legislation.

Please note that items 1, 5, 6, 8, and 9 would require administrative rules to be developed in consultation with the Animal Agriculture Consulting Organization.

1. Approve or deny permits for all confinement feeding operations at some level above the small animal feeding threshold (200,000 lbs.). This could include the group between 200,000 lbs. and 625,000 lbs. using formed storage. Those of this size using earthen storage currently require a permit. Those using formed storage do not, but must file a manure management (just filed, not approved or denied) plan 60 days prior to the first application of manure. Staff recommends this to be by a "general permit", however the effect is more of a registration process than permitting. **RULES REQUIRED.**
2. Change or eliminate the requirement that the department must approve or deny a livestock application within 60 days after receipt of a complete application. On some applications the Department finds it difficult to do as thorough review as we would like to and/or meet the 60 day deadline. Proposal is to eliminate the requirement or extend it to a workable timeline, although there is discussion of additional FTE's.
3. Eliminate the 14 day time period the county has for comment after they receive a copy of the application. It is an unnecessary restriction - they should have

the same right as anyone else in the state and be able to comment anytime during the permitting process.

4. Allow the Environmental Protection Division to deny permits of any type (water withdrawal is an example) for someone who is a habitual violator or has an enforcement action pending against them.
5. ~~Require all operators of state permitted livestock facilities and contract manure applicators to be certified by the state. The certification process could be developed by DALS, Iowa State University, DNR or a combination of those entities. This will provide the operators with a greater knowledge of what they need to do. **RULES REQUIRED.**~~

Code changes proposed

1. A general permit would be issued, and require a manure management plan that would require approval, for construction of facilities with a one time capacity of between 200,000 lbs. and 625,000 lbs. (swine, with corresponding numbers for other species).
2. Eliminate the requirement that the department must approve or deny within 60 days after receipt of a complete application. An alternative would be to extend it to a workable timeline.
3. Eliminate this section. An alternative would be to strike 14 days and insert another time limit.
4. Expand the Environmental Protection Division's authority to deny permits *of any type* related to the construction or operation of a CFO.
5. Obtain legislative approval for the EPC to develop administrative rules for certification.

Code section(s) 455B.173 (13) - actual proposed language

Amend 455B.173(13) as follows:

455B.173 Duties - The commission shall:

13. Adopt, modify, or repeal rules relating to the construction or operation of animal feeding operations. The rules shall include, but are not limited to, minimum manure control requirements, requirements for obtaining permits, and departmental evaluations of animal feeding operations. The rules shall require that a person obtain a permit for a confinement feeding operation other than a small animal feeding operation as defined in 455B.161(19). The rules shall provide for a general permit for confinement animal feeding operations having an animal weight capacity of less than six hundred twenty five thousand pounds live animal weight for animals other than bovine and one million six hundred thousand pounds live animal weight for bovine which use forced storage for manure handling. The department shall not require that a person obtain a permit for the construction of an animal

feeding operation structure, if the structure is part of a small animal feeding operation **as defined in 455B.161 (19)**. The department shall collect an indemnity fee as provided in section 204.3 prior to the issuance of a construction permit. The department shall not approve a permit for the construction of three or more animal feeding operation structures unless the applicant files a statement approved by a professional engineer registered pursuant to chapter 542B certifying that the construction of the animal feeding operation structure will not impede the drainage through established drainage tile lines which cross property boundary lines unless measures are taken to reestablish the drainage prior to completion of construction. The department shall deposit moneys collected in indemnity fees in the manure storage indemnity fund created in section 204.2. The department shall issue a permit for an animal feeding operation, if an application is submitted according to procedures required by the department, and the application meets standards established by the department, regardless of whether the animal feeding operation is required to obtain such a permit. An applicant for a construction permit shall not begin construction at the location of a site planned for the construction of an animal feeding operation structure, until the person has been granted a permit for the construction of the structure by the department. ~~The department shall make a determination regarding the approval or denial of a permit within sixty days from the date that the department receives a completed application for a permit. However, the sixty-day requirement shall not apply to an application, if the applicant is not required to obtain a permit in order to construct an animal feeding operation structure or to operate an animal feeding operation.~~ The department shall deliver a copy or require the applicant to deliver a copy of the application for a construction permit to the county board of supervisors in the county where the confinement feeding operation or confinement feeding operation structure subject to the permit is to be located. The department shall not approve the application or issue a construction permit until thirty days following delivery of the application to the county board of supervisors. The department shall consider comments from the county board of supervisors, regarding compliance by the applicant with the legal requirements for the construction of the confinement feeding operation structure as provided in this chapter, and rules adopted by the department pursuant to this chapter, ~~if the comments are delivered to the department within fourteen days after receipt of the application by the county board of supervisors.~~ Prior to granting a permit to a person for the construction of an animal feeding operation, the department may require the installation and operation of a hydrological monitoring system for an exclusively earthen manure storage structure, if, after an on-site inspection, the department determines that the site presents an extraordinary potential for groundwater pollution. A person shall not obtain a permit for the construction of a confinement feeding operation, unless the person develops a manure management plan as provided in section 455B.203. The department shall not issue a permit **pursuant to Chapter 455B Code of Iowa** to a person under this subsection if an enforcement action by the department, relating to a violation of this chapter concerning a confinement feeding operation in which the person has an interest, is pending **if the permit requested is for structures or activities related to the construction or operation of a confinement animal feeding operation**. The department shall not issue a permit **pursuant to Chapter 455B Code of Iowa** to a person under this subsection for five years after the date of the last violation committed by a person or confinement feeding operation in which the person holds a controlling interest during which the person or operation was classified as a habitual violator under section 455B.191 **if the permit requested is for structures or activities related to the construction**

or operation of a confinement animal feeding operation. The department shall conduct an annual review of each confinement feeding operation which is a habitual violator and each confinement feeding operation in which a habitual violator holds a controlling interest. The department shall notify persons classified as habitual violators of their classification, additional restrictions imposed upon the persons pursuant to the classification, and special civil penalties that may be imposed upon the persons. The notice shall be sent to the persons by certified mail.

12. The commission shall adopt rules for the certification of operators of confinement animal feeding operations and contract manure application operators. The criteria for certification shall include, but is not limited to, an operator's technical competency and operation and maintenance of manure management and application systems.

The issue and rationale

6. Consider changes to 455B.202, created by SF472 which became law earlier this year. This section was intended to prevent a habitual violator, or an operator with an enforcement action pending, from "spinning off" another operation to get around the prohibition on expansion.

7. Delete section that limits enforcement of violations of manure management plans to the assessment of a civil penalty only. This would provide for going beyond the civil penalty. Usage is expected to be rare, but necessary in some cases.

Code changes proposed:

6. No changes prepared, pending outcome of Attorney General's investigation.

7. Delete the entire section.

Code section & actual code changes proposed:

Amend 455B.203

455B.203 Manure management plan — requirements.

1. In order to receive a permit for the construction of a confinement feeding operation as provided in section 455B.173, a person shall submit a manure management plan to the department together with the application for a construction permit.

2. A manure management plan shall include all of the following:

a. Calculations necessary to determine the land area required for the application of manure from a confinement feeding operation based on nitrogen use levels in order to obtain optimum crop yields according to a crop schedule specified in the plan, and according to requirements adopted by the department after receiving recommendations from the animal agriculture consulting organization provided for in 1995 Iowa Acts, chapter 195, section 37.

b. Manure nutrient levels as determined by either manure testing or accepted standard manure nutrient values.

c. Manure application methods, timing of manure application, and the location of the manure application.

d. If the location of the application is on land other than land owned by the person applying for the construction permit, the plan shall include a copy of each written agreement executed between the person and the landowner where the manure will be applied.

e. An estimate of the annual animal production and manure volume or weight produced by the confinement feeding operation.

f. Methods, structures, or practices to prevent or diminish soil loss and potential surface water pollution.

g. ~~Methods or practices to minimize potential odors caused by the application of manure by the use of spray irrigation equipment.~~

3. A person classified as a habitual violator or a confinement feeding operation in which a habitual violator owns a controlling interest, as provided in section 455B.191, shall submit a manure management plan to the department on an annual basis, which must be approved by the department for the following year of operation.

4. A person receiving a permit for the construction of a confinement feeding operation shall maintain a current manure management plan and maintain records sufficient to demonstrate compliance with the manure management plan. Chapter 22 shall not apply to the records which shall be kept confidential by the department and its agents and employees. The contents of the records are not subject to disclosure except as follows:

a. Upon waiver by the person receiving the permit.

b. In an action or administrative proceeding commenced under this chapter. Any hearing related to the action or proceeding shall be closed.

c. When required by subpoena or court order.

5. The department may inspect the confinement feeding operation at any time during normal working hours, and may inspect records required to be maintained as part of the manure management plan. The department shall regularly inspect a confinement feeding operation if the operation or a person holding a controlling interest in the operation is classified as a habitual violator pursuant to section 455B.191. The department shall assess and the confinement feeding operation shall pay the actual costs of the inspection. However, in order to access the operation, the departmental inspector must comply with standard disease control restrictions customarily required by the operation. The department shall comply with section 455B.103 in conducting an investigation of the premises where the animals are kept.

~~6. A person submitting a manure management plan who is found in violation of the terms and conditions of the plan shall not be subject to an enforcement action other than assessment of a civil penalty pursuant to section 455B.191.~~

6. By January 1, 2000, a confinement animal feeding facility operating with a state permit shall have a trained, tested, and certified operator and if manure management and application will be accomplished through contract the operator of the confinement animal feeding facility shall ensure that the contractor employed is certified by the state. A certification program shall be devised or approved by rule of the department.

The issue and rationale

8. **Require livestock operators who hold state permits to inject manure into the ground rather than surface apply. To allow for equipment transition, this proposal would be for future implementation, possibly two years in the future. Several exceptions are probable, including but not limited to; on permanent**

vegetation, more environmentally friendly application methods, incorporation, unusual weather patterns. *RULES REQUIRED.*

9. Ban the spreading of manure on frozen or snow covered land for those who hold a state permit. This is currently a suggested guideline and several runoff problems have occurred because the guidelines have not been followed. This also will require exceptions. *RULES REQUIRED.*

Code changes proposed:

8. Implement effective January 1, 1999 for newly issued permits and January 1, 2000, for facilities permitted prior to the effective date of this legislation.

9. Implement effective July 1, 1999.

Code section and actual code changes proposed:

Amend 455B.201 Minimum manure control as follows:

1. A confinement feeding operation shall retain all manure produced by the operation between periods of manure disposal. A confinement feeding operation shall not discharge manure directly into water of the state or into a tile line that discharges directly into water of the state.

2. Manure from an animal feeding operation shall be disposed of in a manner which will not cause surface water or groundwater pollution. Disposal in accordance with the provisions of state law, including this chapter, rules adopted pursuant to the provisions of state law, including this chapter, guidelines adopted pursuant to this chapter, and section 159.27, shall be deemed as compliance with this requirement.

3. The owner of the confinement feeding operation which discontinues the use of the operation shall remove all manure from related confinement feeding operation structures used to store manure, by a date specified in an order issued to the operation by the department, or six months following the date that the confinement feeding operation is discontinued, whichever is earlier.

4. A person shall not apply manure by spray irrigation equipment, except as provided by rules which shall be adopted by the department pursuant to chapter 17A.

5. The commission shall adopt rules banning the application of manure to frozen or snow covered ground, to become effective July 1, 1999.

6. The commission shall adopt rules banning the application of manure except by direct injection or incorporation into the soil at the time of application. This provision shall become effective upon enactment for permits issued after the effective date of this section and January 1, 2000 for permits issued prior to enactment of this section.

The issue and rationale

10. Delete the requirement that an administrative penalty above \$3,000 has to come to the Commission for approval. This does not deny any appeal rights to the Commission or the courts. This section currently gives the perception of a conflict as the Commission approves the penalty, then the appeal comes back before the same people who approved it in the beginning.

Code changes proposed:

10. Delete this section in it's entirety.

Code sections, actual proposed language

Repeal 455B.110

~~455B.110 Animal feeding operations—commission approval of enforcement actions.~~

~~—The department shall not initiate an enforcement action in response to a violation by an animal feeding operation as provided in this chapter or a rule adopted pursuant to this chapter, or request the commencement of legal action by the attorney general pursuant to section 455B.141, unless the commission has approved the intended action. This section shall not apply to an enforcement action in which the department enforces a civil penalty of three thousand dollars or less. This section shall also not apply to an order to terminate an emergency issued by the director pursuant to section 455B.175.~~

The issue and rationale

11. Repeal requirement for the Department to establish a Toll-Free Pollution Hotline. This requirement has been on the books for a number of years but a source of revenue necessary to accomplish it has never been furnished. The department does have an Emergency Response Hotline.

Code changes proposed:

11. Delete this entire section.

Code section and actual code changes proposed

Repeal 455B.116

~~455B.116 Pollution hotline program.~~

~~The department shall establish a toll free telephone number to allow citizens to report incidents resulting in pollution of the environment or damage to natural resources. The department shall receive and evaluate the reports and refer them to the appropriate state or local jurisdiction for initial investigation. The agency receiving a referral shall investigate the complaint, attempt to resolve the problem, and upon completion of the investigation, report to the department on the disposition of each complaint indicating how the problem was resolved.~~

~~—The department shall use moneys appropriated to the waste volume reduction and recycling fund for the purpose of implementation of the program and shall use the moneys appropriated under section 455E.11 for the program to provide financial assistance to counties for investigation of complaints.~~

The issue and rationale:

12. Repeal requirement for the Commission to adopt rules establishing criteria for classification and prioritization of pesticide and fertilizer contaminated sites. No resources have ever been appropriated to do this.

Code changes proposed:

12. Strike the section in it's entirety.

Code section - actual proposed language**Repeal 455B.601**

~~455B.601 Pesticide and fertilizer contaminated sites—prioritization of cleanup.~~

~~1. The commission shall adopt rules to establish criteria for the classification and prioritization of sites upon which contamination has been discovered.~~

~~a. For purposes of this section:~~

~~(1) "Action level" means action level as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.~~

~~(2) "Contamination" means the presence of one or more pesticides, as defined in section 206.2, or the presence of fertilizer, as defined in section 200.3, in soil or groundwater at levels above those that would result at normal field application rates or above background levels.~~

~~(3) "Contaminated site" means a site upon which contamination has been discovered.~~

~~(4) "Responsible person" means responsible person as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.~~

~~b. A contaminated site shall be classified as either high, medium, or low priority.~~

~~(1) A site shall be considered high priority under any of the following conditions:~~

~~(a) Groundwater contamination exceeds action levels and is affecting or likely to affect groundwater used as a drinking water source.~~

~~(b) Contamination is affecting or likely to affect surface water bodies to a level which exceeds surface water quality standards under section 455B.173.~~

~~(c) Contamination is discovered in an ecologically sensitive area. An ecologically sensitive area is one which is designated by the department.~~

~~(2) A site shall be considered medium priority if contamination of groundwater exceeds action levels, but does not meet the criteria for classification as a high priority site.~~

~~(3) A site shall be considered low priority under any of the following conditions:~~

~~(a) If soil contamination exists at the site, but no groundwater contamination exists at the site.~~

~~(b) If soil contamination exists and groundwater contamination has been discovered, but is below action levels.~~

~~(4) A site shall be reclassified as a site with a higher or lower classification when the site falls within a higher or lower classification as established under this paragraph.~~

~~c. An initial site plan shall be developed by the responsible person and approved by the department for each site upon which contamination has been discovered. The site plan shall include all of the following:~~

~~(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.~~

~~(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.~~

~~(3) The characteristics of the site and the potential for migration of the contamination.~~

~~(4) A recommendation as to whether the site should be classified as a high, medium, or low priority site.~~

~~(5) If a site is classified as a high or medium priority site, further investigation shall be conducted to determine the extent of the remediation which should be conducted on the site.~~

~~d. The corrective action response requirements for high, medium, or low priority sites shall be administered in accordance with the following:~~

~~(1) Soils and groundwaters on a high priority site shall be actively remediated, where technically feasible, until such time as the groundwater contamination levels are below action levels.~~

~~(2) Remediation on a medium priority site shall include either monitoring or active or passive remediation and shall be determined by the department on a site by site basis based upon the~~

~~findings of the site plan. Remediation on a medium priority site shall include at least that which would be required on a low priority site.~~

~~(3) (a) Active soil remediation shall be required on a low priority site if remediation would be more practical and cost effective than monitoring.~~

~~(b) If active soil remediation on a low priority site is undertaken, no further action shall be required on the site.~~

~~(c) If active soil remediation is not undertaken on a low priority site, a site shall be monitored, for a specified period of time as determined by the department.~~

~~2. This section is applicable to all sites upon which contamination has been discovered, unless corrective action on a site has already been approved and implemented.~~

~~3. Application of contaminated groundwaters and soils on land upon which the contaminants have been applied in accordance with department rules shall not exceed a level which would preclude the resumption of normal farming practices within a two year period.~~

~~4. This section does not affect the ability of the department or the United States environmental protection agency to require monitoring or remediation on sites that are placed on the national priorities list pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act~~

9711-12 djp (revised 11-13)

REVISED ITEM 13 AND 14

The issue and rationale:

13. Current law provides moneys from the waste tire management fund to state board of regents institutions of higher education to offset additional fuel costs incurred in generating heat, electricity, or power on a british thermal (Btu) equivalent basis. Moneys of up to \$100,000 are available annually. Although the regents cost submission went beyond what staff believes to be allowed, the Department did allocate \$7,500 to the University of Iowa (the only Regents institution currently using TDF) to offset additional fuel costs incurred by their power plant through its use of tire-derived fuel during year 1997. RULES NECESSARY.

Code changes proposed:

13. Changes are necessary to further encourage the regents institutions to consider TDF as an alternative fuel source, and thus assist in the state's efforts to properly dispose of waste tires.

The proposal is to increase the eligible costs for reimbursement, to include costs for test burns, consultant fees, and permit costs associated with new or expanded TDF usage at the regents institutions.

Code section(s) 455D.11E - actual proposed language:

455D.11E. Use by regents institutions of waste tires to produce tire-derived fuels and for other beneficial uses.

State board of regents institutions of higher education, defined in section 262.7, are encouraged to use, to the fullest extent practicable, waste tires for beneficial uses, such as, but not limited to, consumption of producing tire-derived fuels. Moneys shall be awarded from the waste tire management fund, pursuant to section 455D.11C, subsection 2, to such an institution by the department pursuant to section 455D.11C to offset additional fuel costs incurred in generating heat, electricity, or power through the use of tire-derived fuel and for the reimbursement of costs associated with air permits, fees, and testing required to expand the institutions use of tire-derived fuel. Additional fuel costs shall be calculated at a reimbursement rate of twenty dollars per ton of tire-derived fuel material consumed by the institution. Moneys of not more than one hundred thousand dollars may be awarded in the aggregate in a fiscal year to such institutions to offset these costs ~~any increased fuel costs~~ associated with assisting the state's program to dispose of waste tires in an environmentally sound manner, and shall be available only to the extent that such moneys help to reduce the number of waste tires in the state.

The issue and rationale:

14. Current law provides an award of up to \$20,000 annually to each waste tire processor who annually processes more than 250,000 waste tires, with funds awarded at a rate of twenty cents per passenger tire equivalent processed and delivered to a site of end use. \$300,000 (in the aggregate) is available annually for this program, with awarded funds designed to encourage tire processors to lower the rates at which the tire processor sells processed materials. The Department allocated a total of only \$40,000 through this program during fiscal year 1997 to the two (2) eligible waste tire processors.

Code changes proposed:

14. Reallocation of the \$300,000 annually available by providing a per ton subsidy to end-users of the processed tires, rather than to the tire processors themselves. This would better encourage industries, manufacturers, or utilities to become involved in, or to continue, purchasing tire-derived products. This subsidy may also increase the price paid by end-users for processed waste tires, thereby increasing the commodity value of processed tires.

Code section(s) 455D.11F - actual proposed language:

455D.11F. Awarding of moneys to end-users of processed waste tires. ~~Tire processors awarded moneys for processing waste tires.~~

1. As used in this section:

a. "Passenger tire equivalent" means the physical dimensions of a tire which has a rim diameter of sixteen and one-half inches or less.

b. "Site of end use" means a site where ~~whole or~~ processed waste tires are ~~permanently legally disposed of~~ consumed for energy recovery, recycled, or reused.

c. "Tire processor" means a person who reduces waste tires into a processed form ~~suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department.~~ "Tire processor" does not mean a person who retreads tires or processes and stores tires.

2. A site of end-use that annually consumes, recycles, or reuses ~~A tire processor who annually processes more than two hundred fifty thousand processed waste tires, as defined in section 455D.11, or the equivalent, at a processing site as defined in section 455D.11 located within the state~~ may be awarded moneys pursuant to section 455D.11C, subsection 2, from the waste tire management fund of not more than ~~ten~~ twenty cents per passenger tire equivalent processed and delivered to the site of end use, as based on a percentage reimbursement of no more than fifty percent of the costs incurred or paid to receive the processed waste tire materials by the site of end-use. Moneys of not more than three hundred thousand dollars for such end-use awards ~~tire processors~~ shall be available in the aggregate in a fiscal year and shall be disbursed by the department upon application and approval to such sites of end use ~~tire processors~~. A site of end-use ~~tire processor~~ shall not receive more than one hundred fifty ~~twenty~~ thousand dollars from the waste tire management fund in a fiscal year. Moneys shall be available only for waste tires that have been generated from within Iowa, and which are processed by and received from a tire processor located within the state. Processed tire materials received from a ~~A~~ tire processor with a pending enforcement action against the tire processor by the department ~~are is ineligible for consideration to receive moneys while the enforcement action is pending.~~ End-users of processed waste tire materials ~~A tire processor~~ are is encouraged to use moneys awarded under this subsection to increase their consumption and purchase of ~~lower the rates at which the tire processor sells processed materials.~~

Mr. Paulin stated that he will begin with Items 13 and 14, noting that the revised versions are easier to read because the original versions did not contain the "strikeovers" and "underlining." He explained that Item 13 deals with the Board of Regents who has monies up to \$100,000 available, in the aggregate, for any and all of regents institutions, and last year their actual usage was less than \$4,000. They requested and the department allowed \$7,500, on a one time basis, to offset the additional fuel costs. This change will allow the cost of handling, permitting fees, testing, etc.

Mr. Paulin stated that Item 14 currently provides up to \$20,000 each for waste tire processors, with \$200,000 in the aggregate, which can be awarded to an entity that processes waste tires in Iowa. He related that there were only two that qualified and the odds are that there will be very

many is highly unlikely, so the department feels the money would be better used if they were able to award an incentive to the end users, as opposed to the processors.

Motion was made by Dean McWilliams to include the revised Items 13 and 14 in the legislative package. Seconded by Rita Venner.

Discussion followed regarding whether this would include a member of the general public, and also whether it would include DOT. It was noted that both could qualify.

Vote on the motion carried unanimously.

Mr. Paulin explained that Item 11 would repeal the requirement to establish a toll-free pollution hotline. He added that Item 12 would repeal the requirement for the Commission to adopt rules to establish criteria for classification and prioritization of pesticide and fertilizer contaminated sites. He related that there has never been resources available to implement either of these requirements.

Discussion followed regarding the Emergency Response and TIP Hotlines provided by the department.

Motion was made by Dean McWilliams to recommend deletion of these Code sections as recommended in the legislative package. Seconded by Kathryn Murphy. Motion carried unanimously.

Mr. Paulin stated that, relative to the Chapter 65 livestock recommendations, as he and Al Stokes were working to change from the concept stage to development of actual code language, they realized that several of the issues would require more time to study, particularly those that require exemptions and exceptions. He related that with that in mind, he spoke with the Governor last Friday and the Governor is planning to present a comprehensive livestock program to the legislature. The Governor's recommendations will also include a substantial fund increase for regulation of animal feeding operations. Mr. Paulin noted that since the Governor's submittal date to the legislature is a month later than DNR's there will be more time for him to examine the alternatives. Mr. Paulin noted that with that in mind he would request that Items 1 - 10 be treated as informational only, as opposed to decision.

Chairman Ehm asked if the suggestion is that Items 1-10 go to the Governor for consideration in his package, rather than include them in the department's package.

Mr. Paulin stated that would be one way of doing it.

Motion was made by Charlotte Mohr to recommend to the Governor that he give serious consideration to include Items 1 - 10 in his legislative package and that he furnish the Commission with his recommendations. Seconded by Rozanne King.

Discussion followed in regard to application of manure on frozen ground, as addressed on Page 5 of the proposals. It was asked if that would apply to all manure, all the time.

Mr. Paulin, in response to whether those rules would apply to all manure, all of the time, stated that the rules would have to address exceptions. He related that any exceptions would have go back to AACO and then come back to the Commission for approval.

Vote on Commissioner Mohr's motion carried unanimously.

APPROVED ITEMS 11, 12, 13 AND 14.

**ITEMS 1-10 WERE RECOMMENDED TO BE INCLUDED IN
GOVERNOR'S PROPOSALS**

GENERAL DISCUSSION

Charlotte Mohr reported that she attended a meeting of the Mississippi River Parkway Commission last week and she distributed a new brochure entitled "Iowa Great River Road."

Terrance Townsend commented that several years ago Maytag submitted a permit application for equipment and it took five months to get the permit, but they recently filed an application for a similar piece of equipment and received it in only 25 days. He commended the department for the quick response time.

Director Wilson stated that he will give a presentation next month in regard to applications being done on the internet. He related that he recently received a Web Trends report which showed there were 75,000 hits on the DNR home page during October. He noted that only one entity in state government had more hits than that, and that was the State of Iowa homepage.

Terrance Townsend asked about the wetland mitigation issue addressed by Pocahontas Board of Supervisors, and Mr. Wilson stated that a meeting has been arranged with NRCS soon to discuss this with the NRCS staff.

Charlotte Mohr asked why Washburn would put in a wetland that does not meet the capacity of the city.

Director Wilson explained that the wetland requirement was not a stipulation from the department as part of the permit, adding that the county was doing it to be good neighbors and add a little more cleansing of the wastewater.

Gary Priebe asked why the department does not prosecute a city or municipality when there is a spill as they do with the private individual.

Mr. Stokes stated that the department does not discriminate on the nature of a facility noting that in looking at by-passing most of the situations are acts of God such as a lightening strike at a pumping station, or catastrophic failure of a water main collapsing, etc. He noted that if the problem is a trend from a lack of maintenance or attention the department does take action. He also stressed that the strength of the waste coming from an animal manure lagoon is much higher than that coming from city sewage treatment plant. Mr. Stokes noted that during the floods of 93 there were many animal waste lagoons flooded out and the department did not file enforcement actions, adding that staff has to take a look at the circumstances in each situation.

Gary Priebe congratulated Director Wilson on his quote in the Farm Bureau Spokesman stating "emotion over livestock facilities in Iowa may be out weighing sound judgement," and he advises people to use some common sense and sound judgment before crucifying the farmer with a manure problem.

Dean McWilliams asked about the status of the Maple Grove case.

Mr. Stokes stated that they re-applied and he believes the permit has been issued.

NEXT MEETING DATES


December 15, 1997

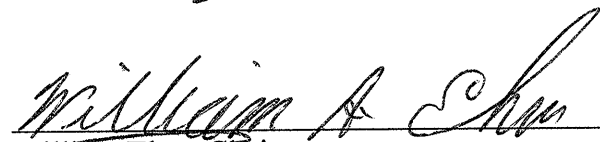
January 20, 1998 (Tuesday)

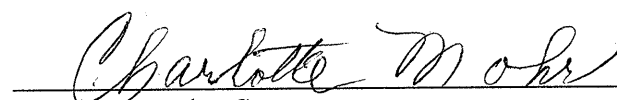
February 16, 1998

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 4:00 p.m., Monday, November 17, 1997.



Larry J. Wilson, Director

William Ehm, Chair

Charlotte Mohr, Secretary

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